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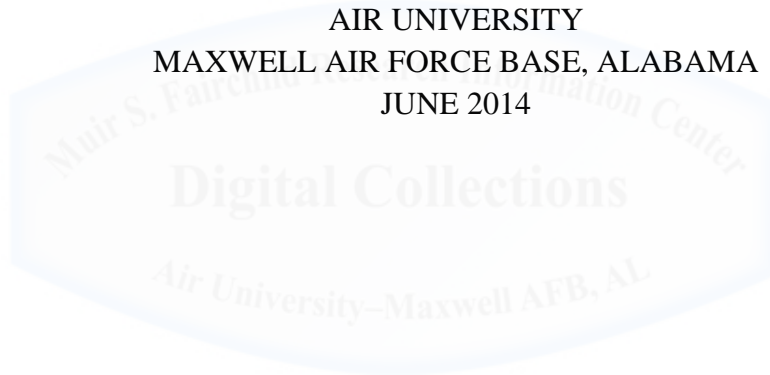
SECURITY FORCE ASSISTANCE MISSIONS

BY

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APPROVAL

The undersigned certify that this thesis meets master's-level standards of research, argumentation, and expression.

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DISCLAIMER

The conclusions and opinions expressed in this document are those of the author. They do not reflect the official position of the US Government, Department of Defense, the United States Air Force, or Air University.



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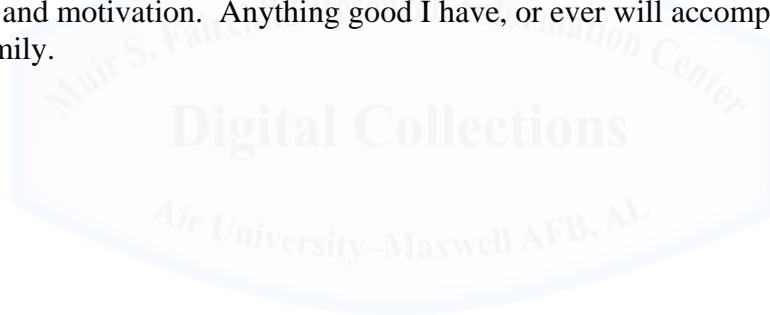


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ABSTRACT

Security force assistance missions are an important aspect of U.S. foreign policy and a means to protect U.S. national security and strategic interests. The United States has declared the stability and the security of Africa as critical to its interests and therefore provides security assistance to Trans-Saharan under-developed countries as a way to combat terrorism. The lack of applicability of the Department of State's traditional security assistance authorities to help beleaguered African nations has forced the use of temporary Department of Defense authorities, which have the potential to undermine trust between the United States and its under-developed partners.

This thesis conducts a qualitative analysis comparing gaps within and between U.S. Code and the National Defense Authorization Act authorities related to security assistance. In doing so, it evaluates who developed the authorities, assesses the purposes for which they were developed, determines their applicability to the present and anticipated strategic environment, and investigates possible implications related to the U.S. military's increased role in security assistance. The Trans-Sahara Counterterrorism Partnership provides an example of how these authorities are used to address the threat of terrorism in this region. The thesis introduces organization, balance of power, and policy change theories as a means to elevate discussion of security assistance authorities to the strategic level. The primary audience for this thesis are special operations forces (SOF) operators given that the patchwork of authorities are critical elements to the indirect approaches SOF will utilize in countering violent extremism in under-developed countries.

In the end, this thesis asserts that the temporary authorities are inherently strategically shortsighted, as they are cumbersome, in some cases difficult to distinguish between. In addition, their evolution in scope and mandate hinders interagency or whole of government attempts to oversee and implement them. A restructuring of security assistance authorities is needed to establish ownership and to define lines of delineation between civilian and military roles, which ultimately will increase a whole of government approach and enhance security assistance effectiveness to counter the threats from violent extremist organizations and networks.

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Chapter 1

Introduction

As long as there are challenges to United States national interests, security assistance, or the transfer of arms and the providing of economic assistance for security reasons, will remain at the forefront of our national security and foreign policies. Security assistance serves our interests by assisting allies and friends to acquire and maintain the capability for self-defense. It also helps countries in regions where the U.S. has special security concerns to attack causes of economic and political instability. Defense of the free world is a joint endeavor. The U.S. must continue to strengthen its own military capabilities and be prepared to assist friends and allies to strengthen theirs. In essence, security assistance complements and supplements our own defense posture and contributes to the revitalization of our alliances.¹

The genesis of this thesis is straightforward. The author had an interest in learning about the future application of special operations forces (SOF) and the legal authorities to conduct their operations. During the initial research, the author had the immediate realization that most individuals conducting such operations, including myself, do not often understand the terminology and phrases they frequently use. Well-intended leaders and planners are guilty of using security assistance terminology without realizing the deeper implications and concerns associated with them. For example, it is common to hear “that’s a Title 10 versus Title 22 or Title 50 issue” or “we are using 1206 funding” while sitting in a planning session or in strategic discussions without knowing what these phrases mean. Additionally, many of those who think they know shrug off questions on whether there is an issue related to inadequate lines of delineation between authorities. Even these individuals, however, probably have a difficult time explaining the important nuances between the various security assistance authorities when challenged.

¹ Craig M Brandt, Ernest R Keucher, and Air University (U.S.) Air Force Institute of Technology (U.S.), *Military Assistance and Foreign Policy* (Wright-Patterson Air Force Base, Ohio; [Washington, D.C.]: Dept. of the Air Force, Air University, Air Force Institute of Technology ; U.S. G.P.O., 1989), 1.

The issues initially seemed simple to the author until his surface level research exposed significant consequences regarding security assistance authorities due to a lack of detailed knowledge. Uneducated discussions relating to security assistance are a result of several factors. Two of those factors are: a lack of concentration on indirect approaches to combat terrorism, and, a lack of understanding the larger bureaucratic issues that affect security assistance.

Neither of these factors is necessarily the fault of leaders, planners, or operators in the field, but improving communication based on security assistance familiarity can and should increase their awareness. Such awareness, the author hopes, will expand knowledge and increase independent thought, rather than being forced to rely on corporate knowledge, which can be and often is incorrect.

Background

Security force assistance (SFA) missions are critical to the stability and security of Africa. In order for SFA missions to be effective, such missions should be directly tied to the long-term goals of U.S. policy in Africa. If SFA missions are not linked to enduring U.S. policy objectives, these missions risk potentially doing more harm than good. In essence, SFA has the potential to inject additional instability in already fragile situations common to under-developed or under-governed countries in Africa. Any short-term gains towards stability may be lost when SFA missions are not reinforced by quality donor-recipient relationships based on trust. The lack of applicability of traditional authorities forces the use of temporary SFA authorities, which have the potential to undermine trust between the United States and its under-developed partners.

Definitions

Standardized security assistance terminology can and should provide clarity between different terms. Such terms, however, are often confusing due to overlapping responsibilities and parallel authorities. The Defense Security Cooperation Agency (DSCA) distinguishes between security cooperation (SC) and security assistance (SA). According to DSCA's Security Assistance Management Manual, SC is the responsibility of the Secretary of Defense and is provided through either National Defense

Authorization Acts (NDAAs) or Executive Orders.² Security Assistance, on the other hand, “is a group of programs, authorized under Title 22, by which the United States provides defense articles, military education and training, and other defense-related services by grant, loan, credit, cash sales, or lease, in furtherance of national policies and objectives.”³ In sum, DSCA attempts to draw a line between SC, which is the Department of Defense’s (DOD’s) responsibility, and SA, which is the State Department’s responsibility.

In reality, however, the distinction is nowhere nearly so clear. DSCA, for example, categorizes a number of different activities as security cooperation, including “all activities undertaken by the DOD to encourage and enable international partners to work with the United States to achieve strategic objectives.”⁴ According to the Department of Defense Instruction 5000.68, security force assistance “is a subset of DOD[’s] overall” security cooperation activities and is defined as “DOD efforts to support the professionalization and the sustainable development of the capacity and capability of the foreign security forces and supporting institutions of host countries, as well as international and regional security organizations.”⁵ Put simply, DOD views SFA as the portion of SC that does not incorporate activities conducted within non-security sectors.⁶ Therefore, SFA is a subset of SC, which is the DOD’s responsibility, yet “security assistance programs [of which are the State Department’s responsibility per DSCA guidance] are critical tools to fund and enable SFA activities.”⁷ Furthering the confusion is the *interagency* SA programs not covered under Title 22, but authorized by NDAAs, which are critical to SFA. Moreover, the DOD has recently been given authorization to provide assistance in non-security sectors.

There are institutional issues regarding definitions, therefore, for the purpose of this study, it is necessary to examine security assistance authorities that fund and enable

² Defense Security Cooperation Agency, “Security Assistance Management Manual,” C1.1.2.1, accessed January 18, 2014, <http://www.samm.dsca.mil/chapter/chapter-10#C10.1>.

³ Defense Security Cooperation Agency, “Security Assistance Management Manual,” C1.1.2.2.

⁴ Defense Security Cooperation Agency, “Security Assistance Management Manual,” C1.1.1.

⁵ Department of Defense, “Department of Defense Instruction 5000.68 Security Force Assistance,” October 27, 2010, 2.

⁶ Department of Defense, “Department of Defense Instruction 5000.68 Security Force Assistance,” 2.

⁷ Department of Defense, “Department of Defense Instruction 5000.68 Security Force Assistance,” 2.

SFA activities, whether these authorities are provided via U.S. Code (U.S.C.) or NDAAs. Additionally, this thesis uses the terms “security assistance” and “security force assistance” interchangeably since, for the specific programs discussed, there is overlap that permits this to occur. The ability to use these terms interchangeably highlights a potential problem that these programs may not be sufficiently differentiated.

United States Special Operations Command’s (USSOCOM’s) Security Assistance Guide clearly articulates both the purposes of SFA missions and their strategic intent. According to USSOCOM, the two purposes of SFA are for partner nations to enhance their internal security and participate in operations external to their borders such as regional security missions (i.e. peacekeeping missions).⁸ Furthermore, “the strategic intent of SFA is to act as a common collection of activities DOD, Department of State (DOS), and Department of Justice elements can leverage universally during all phases of partner development as well as during military-only phases of operations.”⁹ SFA activities include, but are not limited to: foreign internal defense (FID), counterinsurgency (COIN), and counterterrorism (CT) (see Figure 1).¹⁰

Put in operator’s language, the “means” are the authorities with the “ends” equating to developing partner nation capabilities. In consequence, SFA missions are the “ways” in which the SFA missions are accomplished. These authorities authorize and implement SFA missions. The particular “means” examined within this analysis are those authorized by United States Code Title 22 (Foreign Relations and Intercourse, the State Department). The next level of analysis of SFA authorities includes temporary

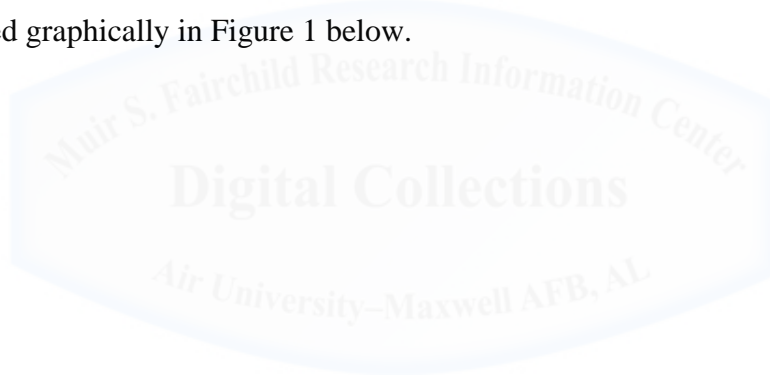
⁸ United States Special Operations Command, “United States Special Operations Command Security Force Assistance Introductory Guide,” July 28, 2011, 3, <http://info.publicintelligence.net/USSOCOM-SecurityForce.pdf>.

⁹ United States Special Operations Command, “United States Special Operations Command Security Force Assistance Introductory Guide,” 10.

¹⁰ United States Special Operations Command, “United States Special Operations Command Security Force Assistance Introductory Guide,” 8. “Many of the tasks in support of FID across the security sector can also be classified as SFA, but many of the tasks in support of FID will fall outside the scope of SFA as they will not specifically address capability or capacity within the HN security forces. All actions taken by U.S. military to support an HN IDAD [internal defense and development] plan are considered tasks within FID, but only those tasks that directly develop capability and capacity of the HN security forces will be SFA. Understanding that all SFA activities done in support of FID are a subset of FID, SFA activities can also be conducted in support of a HN to enhance external defense, in support of a PN to assist in activities in a third country, or in support of regional security forces or even indigenous forces in support of an insurgency.”

special authorities included in the annual National Defense Authorization Act, including Sections 1206 (Global Train and Equip), 1207 (Global Security Contingency Fund), and 1208 (Support of Special Operations to Combat Terrorism). These three authorities permit U.S. military forces, particularly U.S. SOF, to conduct SFA missions to build partner capacity.

For simplicity, the terms “title programs” and “traditional authorities” refer to Foreign Military Sales (FMS), Foreign Military Financing (FMF), and International Military Education and Training (IMET). Likewise, the terms “special authorities” and “temporary authorities” refer to the National Defense Authorization Act Sections 1206 (Global Train and Equip), 1207 (Global Security Contingency Fund), and 1208 (Support of Special Operations to Combat Terrorism) as they have been amended and continue to evolve. These various programs and authorities, and their relationship to SFA missions, is depicted graphically in Figure 1 below.



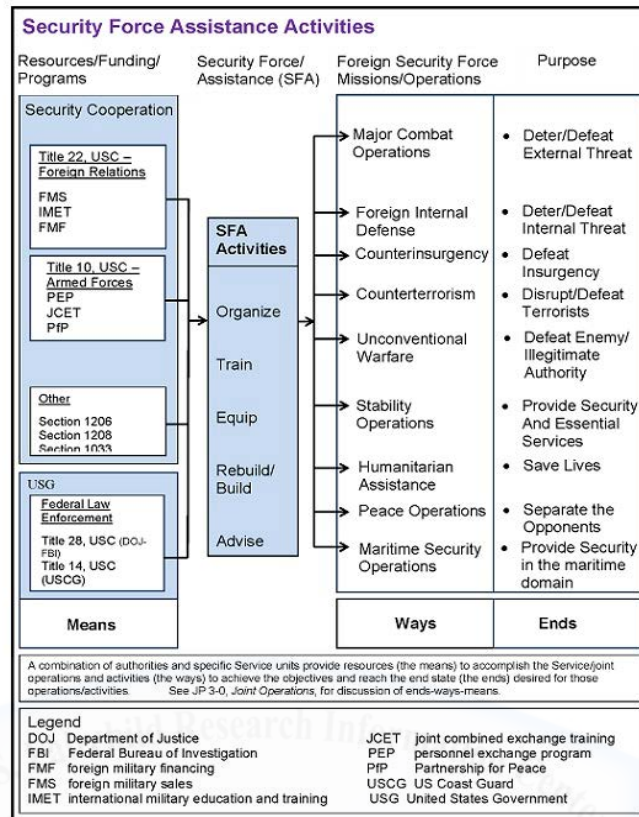


Figure 1. Security Force Assistance Activities. Source: Joint Center for International Security Force Assistance website. <https://jcisfa.jcs.mil/Public/Index.aspx>

Research Significance and the Statement of the Research Question

The United States has a successful history of building partner capacity (BPC) and looks to leverage its experiences to continue exerting influence without the need to commit large numbers of troops overseas. As the strategic guidance published by the DOD in 2012 suggests, the large-scale counterinsurgency operations of Operations Enduring and Iraqi Freedom, along with a political environment characterized by resource constraints, results in the need for a more selective application of U.S. force. According to guidance, entitled *Sustaining U.S. Global Leadership*, “In the aftermath of the wars in Iraq and Afghanistan, the United States will emphasize non-military means and military-to-military cooperation to address instability and reduce the demand for significant U.S. force commitments to stability operations...U.S. forces will no longer be

sized to conduct large-scale, prolonged stability operations.”¹¹ This retrenchment of U.S. forces, and their movement away from large-scale expeditionary COIN activities, does not mean the United States can or will ignore global issues affecting its national interests.

For good reason, Africa’s Trans-Sahara is a region where the United States continues to conduct COIN activities, but in a small-scale way by developing partner capacity. In order to accomplish this strategic goal, the U.S. Government developed the Trans-Sahara Counterterrorism Partnership (TSCTP) “to enhance the indigenous capacities of governments in the Pan-Sahel...to confront the challenge posed by terrorist organizations in the region.”¹² In establishing the TSCTP, the U.S. aims to prevent the Trans-Sahara region from becoming a safe haven for terrorist organizations such as al-Qaeda in the Islamic Maghreb (AQIM) and Boko Haram. Both organizations, as well as other non-state actors in the region including criminal groups, are exploiting governance, security, and economic vulnerabilities of under-developed nations. Furthermore, violent organizations will potentially use these safe havens as staging areas to attack the U.S. and its European allies’ interests.

The Trans-Sahara is of significant importance to U.S. interests. Therefore, the United States cannot permit under-developed nations to become safe havens for terrorist groups and must subsequently limit the ability of terrorist groups to maneuver and gain strength within this region. Simultaneously, the U.S. cannot afford financially and politically to conduct unilateral operations to counter every terrorist organization. It is important that the U.S. “work by, with, and through” partner nations to apply pressure on terrorist groups without exhausting itself financially and politically. BPC is critical to protecting U.S. interests and leads to the following research question of this thesis: does the very nature of temporary security force assistance mission authorities undermine the ability of U.S. to achieve the long-term goals of security and stability in under-developed nations in the Trans-Saharan region of Africa?

¹¹ Department of Defense, “Sustaining U.S. Global Leadership: Priorities for 21st Century Defense,” January 2012, 6.

¹² United States Africa Command, “Trans Sahara Counter Terrorism Partnership Program,” accessed December 19, 2013, www.africom.mil.

Methodology

In order to answer the research question, it is necessary to evaluate SFA mission authorities. This thesis conducts a qualitative analysis comparing gaps within and between U.S.C. titles and special authorities. Additionally, this thesis evaluates who developed the SFA authorities, assesses for what purposes were they developed, and determines their applicability to the present and anticipated strategic environment. The TSCTP provides an example to explore how the security assistance system is addressing the threat of terrorism in this region. In essence, it is the author's hope that a concise description and analysis of the authorities using this methodology will provide SOF operators with an understanding of their development and purposes in theory, while the specific example of TSCTP discussion illustrates the difficulties of implementing the authorities in reality.

Limitations

A significant limitation of this analysis is that it is unclassified. The intent of keeping the study unclassified is to ensure its widest possible dissemination. Although the United States has historically conducted significant SFA missions, case study material on the subject is scarce. Consequently, the single example of the TSCTP is used to illustrate the difference between rhetoric and reality when implementing security assistance.

The terms security assistance and SFA encompasses BPC measures that range across the governmental, non-governmental, military, and civilian sectors. This analysis attempts to provide a balanced approach to examining security assistance. Its targeted audience, though, is military professionals. The programs and authorities specifically for SOF and those frequently used by SOF are of interest since SOF are typically relied on to perform SFA missions.

Lastly, the author conducted a number of interviews and corresponded electronically with government officials closely involved with security assistance. In an attempt to receive the most objective information possible, the author agreed with several interviewees' request to remain anonymous. For this reason, some interview sources are

referenced only by their positions and in several cases, their organizational affiliation as a State Department or Department of Defense official. These interviewees either resided or currently reside within policy or program positions within both Departments of State and Defense, as well as in several Combatant Commands.

Overview

Understanding where security assistance is prioritized relative to U.S. strategy and those responsible in authorizing and implementing these missions is critical to the analysis. Chapter One sets the contextual environment in which security assistance missions will be expected to operate. This is accomplished by providing a summary of the strategic guidance and the relative threat the United States is attempting to mitigate through SFA missions. To scope the threat, this chapter examines two of the most dangerous terrorist threats in the Trans-Saharan Africa region and links combating these threats to the goals of U.S. national strategy. This chapter also connects the strategic environment to the authorities in a general sense as they are the focus of the next two chapters.

Chapter Two is the first of two chapters to examine the “means” used to conduct SFA missions. In particular, this chapter examines security assistance as it is conducted through U.S.C. title programs including FMS, FMF, and IMET. The development of these title programs is reviewed as well as the purposes for which they were intended to serve. This chapter analyzes the purposes of the title programs in the following way: identifying the target or type of nation for which they were intended; the strategic environment in which they were intended to operate; and, the U.S. domestic political environment in which they were developed. The final question this chapter answers is whether U.S.C. title programs are applicable to the present and anticipated strategic environment.

Chapter Three is the second chapter covering SFA “means.” After a description of the different SFA temporary authorities, to determine their gaps and overlaps, this chapter answers the same questions as Chapter Three: who developed the special authorities, for what purposes they were developed, and whether the special authorities

are applicable to the present and anticipated strategic environment. Slightly different from the previous chapter, Chapter Three concludes with a fourth question: what are the implications of continuing the special authorities as they are currently written, executed, and renewed?

Chapter Four examines the Trans-Sahara Counterterrorism Partnership and connects conclusions from Chapters Two and Three to reflect on several implementation issues associated with security assistance. Similar to Chapters Two and Three, the framework for this analysis examines the origin, purposes, and implications of TSCTP. This chapter concludes with an analysis of the obstacles that are sources of friction in attempting to apply a whole of government approach to a complex problem.

The Conclusion of this thesis ties the analysis of the previous chapters together with elements of several theories to better explain the reasons for the present state of security assistance authorities. The discussion borrows elements from organizational theory, balance of power theory, and principle agent model to elevate the discussion of SFA authorities to the strategic level and better explain the rationale for the DOD, the State Department, and Congress' behavior. Additionally, this chapter provides recommendations and identifies an example these organizations can use as a model to increase the effectiveness of the security assistance mission. Finally, the chapter closes with some additional observations and offers several topics for further exploration of this subject.

Chapter 2

The Strategic Environment

But foreign assistance cannot be viewed as charity. It is fundamental to our national security. And it's fundamental to any sensible long-term strategy to battle extremism. Moreover, foreign assistance is a tiny fraction of what we spend fighting wars that our assistance might ultimately prevent. For what we spent in a month in Iraq at the height of the war, we could be training security forces in Libya, maintaining peace agreements between Israel and its neighbors, feeding the hungry in Yemen, building schools in Pakistan, and creating reservoirs of goodwill that marginalize extremists. That has to be part of our strategy.

– President Barack Obama, National Defense University, May 2013

This chapter is the foundation upon which the thesis examines security assistance authorities. It does this by describing the strategic guidance provided by the national command authority, outlining the departments and agencies providing security assistance, and exploring the nature of the strategic environment driving security assistance. Assessing the guidance's effect on how the Departments of Defense and State respond to the threat posed by violent extremist organizations is the basis to support this thesis' main assertion. The main assertion of the thesis is that present security assistance authorities are strategically shortsighted as the threats and environments they counter and operate within require long-term policies to address decades of neglect and the subsequent lack of security.

Summary of Strategic Guidance

The *National Security Strategy* (NSS) outlines the strategic vision for successive U.S. Presidential administrations. A cornerstone of U.S. strategy since the end of the Cold War has been building long-term potential partners to counter possible security risks. The logic behind building such partnerships is simple and unequivocal: “investing now in the capable partners of the future...will help us diminish military risk, act before crises and conflicts erupt, and ensure that governments are better able to serve their

people.”¹ The Department of Defense (DOD) takes the vision of the NSS and attempts to translate guidance into practice through a number of documents.

One recent document that translates the NSS into practice is the Quadrennial Defense Review (QDR). The most recent QDR outlining the DOD’s priorities based on the anticipated global environment was produced in 2010. A new QDR is due to be released in 2014, but until it is released, the DOD published *Sustaining U.S. Global Leadership: Priorities for the 21st Century Defense* to communicate its priorities as the wars in Iraq and Afghanistan end.

Those priorities are unsurprising given that the U.S. military has been engaged in sizeable counterinsurgency (COIN) operations, without decisive results, for the past decade.² In sum, *Sustaining U.S. Global Leadership* is a document of institutional retrenchment comprised of themes of manpower reductions and global operations within a resource-constrained environment. There are ten mission areas that “the Joint Force will need to recalibrate its capabilities and make selective additional investments to succeed.”³ Three of the ten missions identified in the document directly relate to military Building Partnership Capacity missions and activities: counterterrorism and irregular warfare; provide a stabilizing presence; and, conduct stability and counterinsurgency operations.

Role of Special Operations Forces

Special operations forces (SOF) will be the military assets relied upon to build partnership capacity where U.S. interests are threatened for several reasons. There are two reasons for this reliance on SOF, which are separate but related: SOF’s force multiplier characteristics and SOF’s perceived substitutive quality. Both reasons make SOF a specially suited force during a retrenchment and resource-constrained era.

¹ The White House, “National Security Strategy,” May 2010, 27.

² The phrase “classic COIN-like” operations is used because some may say it is debatable as to whether the United States has emphasized COIN operations in Afghanistan and Iraq.

³ Department of Defense, “Sustaining U.S. Global Leadership: Priorities for 21st Century Defense,” January 2012, 4.

SOF's ability to enhance indigenous forces by working by, through, and with increases SOF's role as a force multiplier while SOF's abilities to leverage the unique characteristics of its operators make it a substitutive force.⁴ SOF operators' distinctive training incorporates several characteristics that are unique. Several unique SOF qualities are cultural awareness, language skills, and small team tactics, making special operators force multipliers.⁵ These rare characteristics allow SOF to be force multipliers as they can accomplish different missions in remote and unsecure environments without the need of logistics and sustainment support required by conventional forces. As a result, small numbers of special operators have the ability to accomplish a diverse range of operations relative to their small size and support footprint. Additionally, SOF's ability to integrate seamlessly with partner nation security forces increases the capability and skill of the latter, especially in demanding counterterrorism and COIN operations. These force multiplier characteristics are one reason why SOF are uniquely suited for security force assistance missions.

A second reason is the perceived substitutive quality associated with SOF. Put simply, political decision makers perceive that SOF can be a more effective or efficient than other forms of national power. In other words, the perception is SOF can substitute for other instruments of national power. In reality, SOF do have substitutive qualities, but like all forms of military power, they are often more effective when utilized in concert with them than they are alone.

SOF's substitutive quality can be better understood through the simple following explanation. U.S. national decision makers can use SOF's ability to work in small numbers, in higher-risk situations, and with partner nations, rather than becoming engaged in large-scale nation-building operations. For the U.S. population, limited engagement is more acceptable than large-scale operations.⁶ Essentially, U.S. leaders are

⁴ *Posture Statement of U.S. Special Operations Command, Before the Senate Armed Services Comm. Emerging Threats and Capabilities Subcommittee*, 113th Cong. 3 (2014) (statement of Admiral William H. McRaven, Commander, U.S. Special Operations Command).

⁵ Richard Shultz, Jr., *Security Force Assistance and Security Sector Reform* (MacDill AFB, FL: Joint Special Operations University Press, September 2013), 55.

⁶ The results of recent domestic polling on options for Syria and the Ukraine suggest the American public's appetite for sizeable U.S. military intervention will remain low for years to come. See for example "Most Say U.S. Should 'Not Get Too Involved' in Ukraine Situation: Reluctance Crosses Party Lines," Pew

looking to continue to protect U.S. interests abroad without huge investments, especially when it comes to American lives. By keeping troop numbers low, negative political impacts associated with high casualties are minimized. For a small investment in employing SOF, leaders are able to demonstrate U.S. resolve without the relatively high costs in American blood and treasure.

Recent U.S. strategy documents suggest the preceding points are more than speculation. For example, Richard Shultz Jr. asserts the Obama administration views SOF as low-costs investment with minimal political risks. He says the “new national security strategy for President Obama’s second term will seek to ‘limit American interventions, whenever possible, to drones, cyber-attacks, and Special Operations Forces,’ all of which are seen as ‘low-cost, low-American-casualty tools.’”⁷ This logic fits within the definition of the economic principle of substitution.

The economic principle of substitution applied to military concepts is not new. Authors Jurgen Brauer and Herbert van Tuyll introduced this principle in *Castles, Bullets, and Bombs* in the following way: if two goods are equal in effectiveness but one is cheaper than the other, it is natural for leaders to invest in the cheaper good.⁸ One historical example presented by the authors is the development of the French nuclear force (*force de frappe*). French President Charles de Gaulle invested in France’s nuclear force rather than a large conventional army. President Dwight D. Eisenhower applied the principle of substitution when he decided to invest in Strategic Air Command, rather than other military programs, as the basis of his “New Look” policy based on massive retaliation of nuclear weapons.⁹

Research Center for the People and the Press website (11 March 2014), available online at <http://www.people-press.org/2014/03/11/most-say-u-s-should-not-get-too-involved-in-ukraine-situation/>, accessed 1 May 2014 and “U.S. Support for Action in Syria Is Low vs. Past Conflicts,” Gallup.com, available online at <http://www.gallup.com/poll/164282/support-syria-action-lower-past-conflicts.aspx>, accessed 1 May 2014.

⁷ Shultz, *Security Force Assistance and Security Sector Reform*, 68.

⁸ Jurgen Brauer and Hubert P. Van Tuyll, *Castles, Battles, & Bombs: How Economics Explains Military History* (Chicago: University of Chicago Press, 2008), 245.

⁹ For details on French and American nuclear policy, see Lawrence Freedman, *The Evolution of Nuclear Strategy*, 3rd ed., (New York: Palgrave Macmillan, 2003), 76-84 and 305-309.

In limited conflicts where interests are not threatened directly, American political leaders continue to limit spending political capital by reducing the loss of American lives by curtailing the number of American boots on the ground. Contemporary political leaders substitute larger conventional numbers with small numbers of SOF as a way to reduce costs and minimize risks. SOF's allure as a substitution force has a number of potential drawbacks and negative consequences, including to mistaking relative effectiveness for cost effectiveness. Examination of these drawbacks and consequences has been considered in detail elsewhere and is beyond the scope of this study.¹⁰ What matters for the argument here is that SOF led SFA missions are perceived by American decision makers as a form of indirect U.S. power projection on the cheap given SOF's force multiplier characteristics and substitutive qualities.

Current political decision makers value SOF not only for the characteristics and qualities discussed above but also for their tactical and operational effectiveness in dealing with terrorism. For the past decade, United States Special Operations Command (USSOCOM) has been the lead force for global kill/capture missions known as direct action or man-hunting missions.¹¹ Direct action missions are typically lethal, or "kinetic" operations in which U.S. forces either act unilaterally or make up the preponderance of the strike force. Historically such actions were called "raids." Direct action missions have had significant results in Iraq and Afghanistan disrupting insurgent and terrorist organizations.¹² U.S. military and political leaders, however, have made clear that the U.S. cannot and will not continue to rely on unilateral or direct means over the long term to address the problem of terrorism as the discussion below makes clear.

Several authors, pundits, and analysts suggest that a heavy U.S. emphasis on

¹⁰ For more information regarding the misuse of SOF historically, see James Kiras, *Special Operations and Strategy from World War II to the War on Terrorism* (London; New York: Routledge, 2006).

¹¹ "The direct approach consists of actions taken against terrorists and terrorist organizations to disrupt or defeat a specific threat through neutralization or destruction of the network (including individuals, resources, and support structures) and to prevent the reemergence of a threat. This approach may include the use of SOF core activities such as CT, SR, DA, MISO, IO, CAO, and CP." (Joint Publication 3-05 Special Operations, II-9)

¹² An assessment of the results of such missions, to the extent their details can be discussed given classification issues, is contained in Christopher Lamb and Evan Munsing, *Secret Weapon: High-value Target Teams as an Organizational Innovation*, INSS Strategic Perspectives No. 4 (Washington, DC: NDU Press, March 2011).

direct action missions may be self-defeating over time. They submit the heavy emphasis on U.S. actions, especially unilateral ones such as the mission that killed Osama bin Laden, only serves to enhance or legitimize the strategic narratives of violent extremist groups. The reliance on military force may play into the pervasive terrorist strategic narrative that the United States is conducting a contemporary “crusade,” or holy war, against Islam. Another message along the similar lines, but for different political reasons, is that Muslim populations perceive U.S. direct means of violence, including SOF direct action missions and RPA strikes, as indiscriminate and therefore unjust.¹³ The truth of such strategic narratives is not the point here. What is significant is that U.S. decision makers have recognized that a strategy against terrorism weighted heavily on the direct use of force is in need of change after more than a dozen years of war.

Continued U.S. actions which feed perceptions of unjust, crusader violence run counter to the U.S. strategy of deterring individuals from supporting or participating in violent extremist organizations. Regardless of its actual truth, perception can become reality in counterterrorism and COIN operations.¹⁴ Such realities, therefore, cannot be ignored by the United States. For example, U.S. unilateral direct actions in an African country may result in short-term gains, but if used too often might strengthen local deep-seated African insecurities. Insecurities among the population are based on their colonial past, as well as jihadist narratives of U.S. persecution of Muslims.

President Barack Obama has signaled a new direction for countering threats. His speech at the National Defense University in May 2013 is evidence of this new direction: “the use of force must be seen as part of a larger discussion we need to have about a comprehensive counterterrorism strategy – because for all the focus on the use of force, force alone cannot make us safe.”¹⁵ The President’s speech signifies a shift from direct approaches to indirect approaches that counter violent organizations by addressing

¹³ An example is the International Human Rights and Conflict Resolution Clinic and Global Justice Clinic report entitled *Living Under Drones: Death, Injury, and Trauma to Civilians from U.S. Drone Practices in Pakistan* (Stanford, CA: Stanford Law School, September 2012).

¹⁴ A point made clear in the excellent analysis of “strategic narratives” contained in Emile Simpson, *War from the Ground Up: Twenty-First-Century Combat as Politics* (New York: Columbia University Press, 2012), 179-206.

¹⁵ “Remarks by the President at the National Defense University | The White House,” accessed November 1, 2013, <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.

grievances. Deep-seated grievances form the foundation of violent extremist organization's existence. SOF are not new to indirect approaches, which have been the norm historically, working to address these grievances.¹⁶ Direct rather than indirect approaches—killing or capturing terrorist leaders and facilitators—have been the emphasis in U.S. policy and strategy over the past decade, but a shift in strategy has occurred.

Indirect approaches typically consist of working by, with, and through indigenous or proxy forces, including established host nation military forces. This approach, in particular working through host nation forces, is designed to improve stability by assisting them in connecting with disenfranchised local populations.¹⁷ Training an indigenous force improves partner nation capabilities to address security, governance, and economic needs of its population. By addressing grievances of a disenfranchised population, partner nations are undermining sources of support for violent extremist organizations.

Violent extremist organizations seek to exploit grievances in order to find sanctuary within a population. American special operators can point to a long, and in many cases successful, history of indirect operations that prevented the need for substantial intervention. Chapter Four, for example, elaborates on the example of American involvement in Colombia over two decades as a successful indirect mission requiring patience, substantial funding, and a willing partner. Successful ongoing SFA missions such as the one in Colombia were deprioritized after 2003 due to the time, resources, and manpower demanded by the Iraqi and Afghan wars. In the collective political and military enthusiasm to meet and defeat irregular opponents directly in both those conflicts, indirect approaches took a back seat until recently.

¹⁶ This point has been emphasized in a number of works on American SOF, including Hy Rothstein, *Afghanistan & the Troubled Future of Unconventional Warfare* (Annapolis, MD: Naval Institute Press, 2006) and David Tucker and Christopher Lamb, *United States Special Operations Forces* (New York: Columbia University Press, 2007).

¹⁷ “The indirect approach consists of the means by which the GCTN [global combating terrorism network] can influence the operational environments within which CT operations/campaigns are conducted. This approach usually includes actions taken to enable GCTN partners to conduct operations against terrorists and their organizations as well as actions taken to shape and stabilize their operational environments as a means to erode the capabilities of terrorist organizations and degrade their ability to acquire support and sanctuary.” (Joint Publication 3-05 Special Operations, II-9)

Indirect approaches require unique and perishable capabilities that have traditionally characterized SOF. Leaders have acknowledged SOF's necessary neglect of skillsets that comprise such capabilities. For example, the USSOCOM commander, Admiral William McRaven, made clear in recent testimony to Congress that SOCOM is heeding President Obama's guidance. SOCOM is restoring such capabilities by re-invigorating education and training programs vital to indirect missions and improving SOF's security assistance capabilities.¹⁸

Additionally, the former Assistant Secretary of Defense for Special Operations/Low Intensity Conflict, Michael Sheehan, communicated SOF's ability to leverage SFA experience from its more recent history of operating in over 100 countries. In these situations, SOF have successfully worked closely with interagency partners and foreign countries to support U.S. and partner nation interests and security.¹⁹ Several examples provided by Sheehan were Colombia, Yemen, and East Africa. SOF's experiences in conducting SFA missions will be vital to building partner capacity in Africa. Specifically in North and West Africa, it is important to U.S. interests to contain and eliminate violent extremist networks' abilities to maximize un-governed and under-governed regions.

Why Africa matters to the United States

According to the NSS and the National Military Strategy, Africa is a region of U.S. strategic importance. This importance is due to the continent's proximity to Europe, its vastness, its natural resources, the rapid growth of its economies, and an unsustainable population bulge, particularly among young males who have few social and economic prospects.²⁰ Of these characteristics, the relationship between North and West Africa's

¹⁸ *The Posture Statement of the U.S. Central Command, U.S. Special Operations Command, and U.S. Transportation Command, Before the Comm. on Armed Services*, 113th Cong. 145-46 (2013) (statement of Admiral William McRaven, Commander of United States Special Operations Command).

¹⁹ *Building Partner Capacity for the 21st Century Challenges, Before the Comm. on Armed Services U.S. House of Representatives*, 113th Cong. 5 (2013) (statement of Honorable Michael A. Sheehan, Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict).

²⁰ "Remarks by the President at the National Defense University | The White House," accessed May 1, 2014, <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.

proximity to Europe, its vastness, and its disproportionate number of youths together form the most important reason why Africa matters to the United States.

The linkages within the relationship between proximity, vastness, and the potential for a large pool of disenfranchised young males are strategic challenges for African nations. African governments are overwhelmed by the geography of their territory, combined with a lack of resources and ability to govern, to connect with distant, removed, and angered young males. In addition, some African governments are plagued by instability, rampant corruption and cronyism, or both. Furthermore, these challenges create social vulnerabilities that allow for violent extremist networks (VENs) to recruit/train, operate, and reach U.S. allies.

The most significant concern is VENs' ability to strike the United States via convenient European transportation means. The porous borders between North Africa and Europe may be too far of a stretch for skeptics. But large African immigrant populations within Europe and the United States, which are becoming more disillusioned with the deteriorating situation in their homelands and are susceptible to the influence of VENs, should be reason enough for the United States to act. Three examples of accessibility and indicators of rising anti-Western sentiment connected to Africa which underscore this point are: the 2004 Madrid train bombings by suspected Moroccan and Algerian Muslim suspects; the 2009 attempted "underwear bombing" by Nigerian Umar Farouk Abdullamatab; and, the gruesome public hacking to death of a British soldier in the streets of London in 2013 by two Muslim converts of Nigerian descent. Understanding the relationship between North and West Africa's proximity to Europe, its vastness, and socioeconomic issues and their connection to VEN safe havens, underpins the reasoning behind the U.S. strategy in this region.

The United States is committed to reducing VENs' ability to operate from safe havens within Africa's vast and numerous un-governed spaces. U.S. commitment is characterized by a stability-centric approach focused on denying terrorist, criminals, and other nefarious, destabilizing entities sanctuary and space to maneuver.²¹ This is no

²¹ Department of Defense, "The National Military Strategy of the United States of America," February 2011, 4. "States with weak, failing, and corrupt governments will increasingly be used as a safe haven for

small task given that the area is the size of the United States, Germany, France, the Netherlands, Belgium, and Spain combined.²² Developing partner relationships with key regional leaders in this expansive region is the approach U.S. decision makers will continue to pursue for the foreseeable future.

The United States will rely on persistent SOF-led SFA missions to assist regional partners within North and West Africa in governing large neglected regions and populations vulnerable to VENs. The White House has pledged U.S. “support in multiple ways – by strengthening the ability of governments and communities to manage development challenges and investing in strong institutions...This will expand the circle of nations – particularly in Africa – who are capable of reaping the benefits of the global economy, while contributing to global security and prosperity.”²³ In particular, the United States seeks to develop partnerships with potential regional powers such as Nigeria while also investing in the development of other partnerships within West and North Africa.²⁴

The United States is using security assistance to develop partnerships with North and West African countries so they can execute a strategy to contain and eliminate VEN safe havens. Increasing the African countries’ capabilities through security assistance is more effective given its political and economic acceptability compared to U.S. unilateral intervention. Furthermore, security assistance is also a more effective option given its time horizon. Security assistance missions seek long-term strategic solutions through partners rather than an immediate U.S. response through the application of force.

The long-term view seeks to address the underlying grievances through improvements to governance, security, and poverty. In doing so, host nations can address

an expanding array of non-state actors that breed conflict and endanger stability, particularly in Africa...Terrorists, criminal networks, and pirates undermine the rule of law, perpetuate and accelerate violence in the international system, and challenge states’ ability to respond.”

²² See “The True Size of Africa” at <http://www.marlink.net/wp-content/uploads/2010/10/true-size-africa.jpg> (accessed 5 April 2014).

²³ The White House, “National Security Strategy,” 34.

²⁴ The White House, “National Security Strategy,” 45; Buzan and Waever in *Regions and Powers: The Structure of International Security* discuss the complications of regional security complex theory (RSCT) with respect to West Africa and Nigeria’s role as a potential regional power. “The paradox of this proto-complex [West Africa] is that Nigeria is both its mainstay (as the sponsor of ECOWAS) and itself hanging on the brink of failure as a state.” (240)

the underlying grievances that serve as VEN recruiting tools. A U.S. strategy of containing and eliminating terrorism overseas places pressure on VENs locally, preventing them from reaching inside Europe and gaining access to the United States. Persistent engagement with a number of partner nations extends a layered defense regionally into locations that the leaders of violent extremist groups are seeking for bases and sanctuaries to husband their resources for attacks on U.S. and allies' soil.²⁵ Two specific violent extremist groups seeking safe havens within Trans-Sahara and garnering U.S. attention are al-Qaeda in the Islamic Maghreb (AQIM) and Nigeria's Boko Haram.²⁶

One dilemma in dealing with AQIM and Boko Haram is the problem of aggregation, or lumping them together as part of a regional or global terrorism network. The discussion which follows is directly relevant to a number of underlying interagency issues that plague security assistance discussed later in Chapters Five and Six. Categorizing just how much of a threat both groups pose to the U.S. is difficult for a number of reasons and often depends on one's level of analysis.

U.S. threat assessments of AQIM and Boko Haram vary considerably, which explains why there are so many different suggestions on how to counter them. A source of these differences is that both groups are not monolithic organizations, but rather are comprised of a number of splinter organizations whose leaders have different

²⁵ *Posture Statement of U.S. Special Operations Command, Before the Senate Armed Services Comm. Emerging Threats and Capabilities Subcommittee*, 113th Cong. 5,13 (2014) (statement of Admiral William H. McRaven, Commander, U.S. Special Operations Command). "Our [USSOCOM and the Geographic Combatant Commands] plan aims to protect the American homeland through an active, layered defense by sustaining special operations forces forward to engage partners and proactively deter, prevent, and when necessary, defeat threats to the United States." (5) "I believe we are involved in a generational conflict, one which requires persistent forward engagement to provide a layered defense and the ability to respond rapidly if a regional crisis occurs." (13)

²⁶ Karen Parrish, "AFRICOM Helps Partner Nations Grow Capability, [Gen] Ham Says," *The DISAM Annual 2* (August 2013): 31–32. "The general [AFRICOM Commander General Ham] said three violent extremist organizations are of particular concern in Africa: al-Qaida in the Islamic Maghreb, or AQIM, active in northern and western Africa; Boko Haram in Nigeria; and al-Shabaab in Somalia. "The growing collaboration of these organizations heightens the danger they collectively represent...Of the three organizations, AQIM...is currently the most likely to directly threaten U.S. national security interests in the near term."

ambitions.²⁷ These ambitions range from regional destabilization, international attacks, criminal activities, or a combination of some or all of these.

Ambitions and specific linkages between AQIM and Boko Haram, much less their connection to al-Qaeda, are difficult to separate and distinguish. It is unclear whether the connections between AQIM, Boko Haram, and al-Qaeda can be classified primarily in ideological terms, financial terms, or nothing more than a marriage of convenience.²⁸ Accurate analysis of this dilemma is beyond the scope of this study, and specific assessments are often based on classified information and therefore unusable here.

What remains relevant for this thesis is regardless of whether AQIM and Boko Haram are regional threats with loose affiliation, both groups are destabilizing within a vast region comprised of several partner nations of national security interest to the United States. Furthermore, these partner nations are geographically located within close proximity to European allies and have threatened their interests, both public and private, in the past. Finally, the proximity of northern and western Africa to Europe, as well as the large numbers of refugees in those countries and the transportation infrastructure, suggests that AQIM and Boko Haram could have easy access to strike at targets in the U.S. homeland. These points, along with a brief history of AQIM and Boko Haram's origins, provide background information essential to this thesis' framework.

Over the past several decades, AQIM has morphed and expanded its influence throughout North and West Africa. The original organization was an Algerian-based Sunni Muslim jihadist group known as the Salafist Group for Preaching and Combat

²⁷ John Alexander characterizes AQIM as an organization that may be comprised of several splinter groups, who use the brand name and capitalize on support from the local population's anti-government sentiment. Similarly, James Forest asserts that: "It is important to note that Boko Haram is not a unified, monolithic entity." Forest also warns that Boko Haram may be "morphing into an "Al Qaeda in West Africa," which would make the United States one of its targets. At the same time, he cautions that the United States "should monitor...but should also be careful not to overreact to the perceived threat, elevating it to an international stature that in some ways could actually benefit Boko Haram or an al-Qaeda-affiliated splinter." Alexander, *Africa: Irregular Warfare on the Dark Continent* (Hurlburt Field, Fla.: Joint Special Operations University Press, 2009), 39; Forest, *Confronting the Terrorism of Boko Haram in Nigeria* (MacDill AFB, Fla.: Joint Special Operations University Press, 2012), 2–3, 85–86.

²⁸ Forest and (U.S.), *Confronting the Terrorism of Boko Haram in Nigeria*, 77–78; Lauren Ploch, *Nigeria: Current Issues and U.S. Policy* (Congressional Research Service, April 24, 2013), 13–14, <https://www.fas.org/sgp/crs/row/RL33964.pdf>; Christopher S. Chivvis and Andrew Liepmann, "North Africa's Menace," Product Page, 2013, 4, http://www.rand.org/pubs/research_reports/RR415.html.

(GSPC).²⁹ GSPC was a faction group of the Armed Islamic Group (GIA), which was active during the 1990s as a terrorist organization aimed at destroying the secular government of Algeria.³⁰ GIA was afflicted with internal conflicts and eventually lost popular support due to its terror campaign that included widespread massacres of civilians.³¹ The GSPC splintered from the GIA under the leadership of Hassan Hattab in 1998 and shifted focus from terror attacks to kidnappings and smuggling operations, which thrived due to weak border controls and insufficient governance.³²

The year 2007 was a pivotal one for GSPC. Abdelmalek Droukdal, a former subordinate commander of Hattab who ascended into a leadership role of GSPC, announced GSPC's new name, AQIM, to reflect its alliance with the main al-Qaeda organization.³³ It is debatable whether this re-branding was a "marriage of convenience" based on "good marketing" or an al-Qaeda expansion into North Africa.³⁴ As already discussed, whether AQIM is focused on the spread of militant salafist ideology³⁵ or transnational criminal activity is difficult to differentiate, but the important consideration is its attacks have had destabilizing effects throughout the Trans-Sahara region.

AQIM attacks have occurred across the Trans-Sahara region. Some of the more notable AQIM attacks include: multiple same-day car bombings killing 33 and wounding 222 in February of 2007 across Algeria; an attack on the United Nations High Commissioner of Refugees killing 17 UN employees, 25 civilians, and wounding 158 others on December 2007 in Algiers; the April 2007 suicide attack targeting the U.S. consulate and cultural center in Casablanca, Morocco; the attacks on U.S. diplomatic compounds in Libya that resulted in the deaths of four Americans to include Ambassador Chris Stevens on September 11, 2012; and, the hostage crisis at the Algerian In Amenas

²⁹ National Counterterrorism Center, *Counterterrorism 2013 Calendar, Al-Qaida in the Lands of the Islamic Maghreb (AQIM)*, accessed December 19, 2013, <http://www.nctc.gov/site/groups/aqim.html>.

³⁰ Alexander, *Africa*, 38. Details on the evolution of GIA to the GSPC are available in Hugh Roberts, *The Battlefield Algeria, 1988-2002: Studies in a Broken Polity* (New York: Verso, 2003).

³¹ Jean-Pierre Filiu, *AL-Qaeda in the Islamic Maghreb: Algerian Challenge or Global Threat* (Carnegie Endowment for International Peace, October 2009), 2-4.

³² Jean-Pierre Filiu, *AL-Qaeda in the Islamic Maghreb: Algerian Challenge or Global Threat*, 4.

³³ Chivvis and Liepman, "North Africa's Menace."

³⁴ Chivvis and Liepman, "North Africa's Menace."

³⁵ This extremist ideology is succinctly explained in Scott Atran, *Talking to the Enemy: Faith, Brotherhood, and the (Un)Making of Terrorists* (New York: Ecco, 2010), 100.

gas facility in January 2013.³⁶ Since 9/11, terrorist attacks including AQIM, have increased over 600 percent across what the UN Security Council has labeled the Arc of Instability, incorporating the Sahara and Sahel regions with Libya, Algeria, Tunisia, and Mali being the most affected.³⁷ The UN Security Council determined that “if left unchecked, [the Arc of Instability] could transform the continent into a breeding ground for extremists and a launch pad for larger-scale terrorist attacks around the world.”³⁸

The Arc of Instability stretches across the Atlantic to the Red Sea with routes from Afghanistan/Pakistan and Latin America connecting international violent organizations with spillover effects into Europe (see Figure 2). For centuries, the Trans-Sahara region’s economy has relied on trafficking and other criminal activities. Its close proximity to Europe and the Trans-Sahara’s lack of governance make it an ideal environment for kidnapping, human trafficking, narco-trafficking, arms trafficking, and the smuggling of other types of contraband such as cigarettes.³⁹

Several North African countries are points of entry into Europe for contraband and people. With Morocco only 14 km from Spain, Tunisia only 140 km from Sicily, and Libya near Malta, the International Centre for Migration Policy Development (ICPMD) estimates between 100,000 to 120,000 “irregular migrants,” of which approximately 35,000 are from sub-Saharan Africa, make the short trip across the Mediterranean each year.⁴⁰ Sources estimate that “AQIM has made \$90 million over the last decade by kidnapping for ransom and facilitating drug smuggling.”⁴¹ U.S. and European concerns center on not only the trafficking activities of this region but profits from them may be used to finance terrorist attacks within and beyond the region.

Russell Howard and Colleen Traughber argue in *The Nexus of Extremism and Trafficking* that these historical trade routes are a significant AQIM threat. Their

³⁶ Alexander, *Africa*, 40–42; Chivvis and Liepman, “North Africa’s Menace.”

³⁷ Yonah Alexander, *Terrorism in North Africa and the Sahel in 2013* (Inter-University Center for Terrorism Studies, January 2014), 3.

³⁸ Alexander, *Terrorism in North Africa and the Sahel in 2013*, 3.

³⁹ Russell D. Howard and Colleen Traughber, *The Nexus of Extremism and Trafficking: Scourge of the World or So Much Hype* (MacDill AFB, FL: Joint Special Operations University Press, 2013), 28, 36, 56.

⁴⁰ Belkacem Iratni, *The Strategic Interests of the Maghreb States* (NATO Defense College, 2008), 39.

⁴¹ Howard and Traughber, *The Nexus of Extremism and Trafficking: Scourge of the World or So Much Hype*, 56.

examples are the Madrid bombings of 2004 and the arrest “of 13 would-be terrorists from Pakistan, India, and Nigeria in Barcelona” in 2009.⁴² Additionally, Trans-Sahara VEN ties with Latin American and Afghan drug and terrorist organizations perpetuate Western fears of a globally-connected threat.⁴³



Figure 2. Africa’s Arc of Instability. Source: Reproduced by written permission from Yonah Alexander, “Terrorism in North Africa & the Sahel in 2013: Global Reach & Implications” (Arlington, VA: The Potomac Institute for Policy Studies, 2014), 1.

Connections between violent extremist organizations from Latin American and Africa illustrate a deadly possibility. The *Fuerzas Armadas Revolucionarias de Colombia* (FARC) is known to have connections with AQIM.⁴⁴ In 2008, a Department of Homeland Security report acknowledged that there was “a growing fleet of rogue aircraft” transiting the Atlantic Ocean transporting cocaine (UN reports an estimated 60 percent of European cocaine transits through West Africa).⁴⁵ The U.S. military also

⁴² Howard and Traugher, *The Nexus of Extremism and Trafficking: Scourge of the World or So Much Hype*, 14.

⁴³ Charlie Edwards, “The Crime Terror Nexus in West Africa,” *West Africa Commission on Drugs*, May 15, 2013, <http://www.wacommissionondrugs.org/?p=1771>.

⁴⁴ Dario Cristiani, “Al-Qaeda in the Islamic Maghreb and the Africa-to-Europe Narco-Trafficking Connection,” *Terrorism Monitor* VII, no. 43 (November 24, 2010).

⁴⁵ Scott Baldauf, “Air Al-Qaeda: Are Latin America’s Drug Cartels Giving Al-Qaeda a Lift? There Is Growing Concerns That Al-Qaeda in Africa and Latin American Drug Cartels Are Working Together. Latin American Cocaine Flights Go to Africa, En Route to Europe. Are Al-Qaeda Members on the Empty

acknowledges the existence of these aircraft and fears the possibility of terrorist cargo transported back to the Western hemisphere.⁴⁶ Another source of American anxiety is the possibility of militant Islamic terrorists sneaking across the porous southern U.S. border.⁴⁷ Again, some still argue that AQIM's criminal activities make it too lucrative to draw unwanted international pressure to themselves by striking Europe or the United States.⁴⁸ Others, however, claim that AQIM is a VEN with deadly ambitions.

AQIM is more than just a criminal organization seeking to exploit un-governed and under-governed spaces. Yochi Dreazen argues that AQIM's role to seize territory during the Malian coup of 2012 is evidence that the organization is more than just a terrorist organization focused on regional aspirations, capitalizing on lucrative criminal activities. Dreazen's claim is supported by the fact that "AQIM has already accomplished something no other al-Qaeda franchise has ever been able to pull off: conquering and governing a broad swath of a sovereign country, then using it as a base to plot sophisticated attacks outside its borders."⁴⁹ AQIM capitalized on the Malian military's coup by allying with the ethnic Tuaregs to secure Kidal, Gao, and Timbuktu in Northern Mali.⁵⁰ Before their defeat by international and African troops, AQIM and its splinter organizations trained and recruited other African VENs in Mali. Nigeria's Boko Haram was one of those organizations.⁵¹

Planes back to Latin America?," *Christian Science Monitor*, September 14, 2010, <http://www.csmonitor.com/World/2010/0115/Air-Al-Qaeda-Are-Latin-America-s-drug-cartels-giving-Al-Qaeda-a-lift>.

⁴⁶ Baldauf, "Air Al-Qaeda: Are Latin America's Drug Cartels Giving Al-Qaeda a Lift? There Is Growing Concerns That Al-Qaeda in Africa and Latin American Drug Cartels Are Working Together. Latin American Cocaine Flights Go to Africa, En Route to Europe. Are Al-Qaeda Members on the Empty Planes back to Latin America?"

⁴⁷ Baldauf, "Air Al-Qaeda: Are Latin America's Drug Cartels Giving Al-Qaeda a Lift? There Is Growing Concerns That Al-Qaeda in Africa and Latin American Drug Cartels Are Working Together. Latin American Cocaine Flights Go to Africa, En Route to Europe. Are Al-Qaeda Members on the Empty Planes back to Latin America?"

⁴⁸ Chivvis and Liepmann, "North Africa's Menace." "AQIM is an evolving and increasingly amorphous organization, yet so far, it is much more of a threat to security in Africa than to the United States or even Europe."

⁴⁹ Yochi Dreazen, "The New Terrorist Training Ground," *The Atlantic*, September 18, 2013, 63, <http://www.theatlantic.com/magazine/archive/2013/10/the-new-terrorist-training-ground/309446/>.

⁵⁰ National Counterterrorism Center, *Counterterrorism 2013 Calendar, Al-Qaida in the Lands of the Islamic Maghreb (AQIM)*.

⁵¹ Dreazen, "The New Terrorist Training Ground," 63.

The Nigerian violent extremist terrorist group Boko Haram has existed in various forms since the 1990s. Its current goal is to replace the Nigerian government with one based on Islamic law.⁵² Its official name, *Jama'atul Alhul Sunnah Lidda'wati wal Jihad*, translates into “people committed to the propagation of the Prophet’s teachings and jihad.”⁵³ Boko Haram in the local tribal Hausa language means: “Western education is forbidden.”⁵⁴

Decades of neglect make it easy for the populations within Northern Nigeria to sympathize with Boko Haram’s ambitions to replace the central government. Socioeconomic issues, religious differences, ethnic identities, public corruption, and military human rights violations all contribute to the grievances that support Boko Haram’s strategic narrative.⁵⁵ James Forest asserts, “Collectively, these are the kinds of grievances and tensions that contribute to an enabling environment for vigilante groups, criminal gangs, thugs, drug smugglers, and radical extremists.”⁵⁶ Historical grievances are at the heart of what divides the country.

The north-south divide is extreme in Nigeria. Southern Christians are pitted against northern Muslim, resulting in an urban oil-rich south in conflict with a poor, disenfranchised north.⁵⁷ These divisional factors are exacerbated by a “widespread sentiment that the government at the federal, state, and local levels is either weak or ineffectual, at best, or worse is hostile toward the Muslim communities of the north and intentionally tries to keep them marginalized and disadvantaged.”⁵⁸ Boko Haram has capitalized on the increasing north-south divide and subsequently has increased the frequency and lethality of its attacks.

⁵² National Counterterrorism Center, *Counterterrorism 2013 Calendar, Boko Haram*, accessed December 19, 2013, http://www.nctc.gov/site/groups/boko_haram.html.

⁵³ Forest, *Confronting the Terrorism of Boko Haram in Nigeria*, 1.

⁵⁴ Forest, *Confronting the Terrorism of Boko Haram in Nigeria*, ix.

⁵⁵ “It is no coincidence that Boko Haram developed from a base in the north of the country, where a combination of socioeconomic isolation, politicized religious and ethnic identity, and conspiracy theories driven by fear and reinforced by a heavy-handed security response to protests all work together to create an enabling environment for radical Islamist ideologies to resonate.” James J. F. Forest, *Confronting the Terrorism of Boko Haram in Nigeria* (MacDill AFB, FL: Joint Special Operations University Press, 2012), 61.

⁵⁶ Forest, *Confronting the Terrorism of Boko Haram in Nigeria*, 43.

⁵⁷ Alexander, *Africa*, 31. “There is an estimated 34 billion barrels of oil beneath the [Niger Delta].”

⁵⁸ Forest, *Confronting the Terrorism of Boko Haram in Nigeria*, 83.

The frequency and lethality of these attacks have caused the United States to take action. In November 2013, the United States officially declared Boko Haram as a terrorist organization.⁵⁹ This international recognition of what was originally thought as a regional threat based on local grievances came as a result of Boko Haram's steady series of attacks since 2010. Boko Haram's attacks culminated with a "watershed" event drawing international attention.⁶⁰ This attack was on the UN Headquarters in Abuja, Nigeria, on August 26, 2011, and killed an estimated 23 and injured over 80 people.⁶¹

Boko Haram conducted numerous attacks before the August 2011 attack and has continued in and outside of Nigeria. A comprehensive list of attacks is too large to list, so only a general overview including recent attacks are discussed.⁶² Within and outside of Nigeria, Boko Haram has conducted attacks on religious clerics, military installations, educational institutions, markets, and against villages or populations seen as accepting a Western or Christian lifestyle. Several attacks have occurred within Cameroon, Niger, and Mali.⁶³

One of the most recent attacks occurred on February 26, 2014, and is consistent with Boko Haram's operations. This particular attack resulted in over 29 students killed at a college in the northern Nigerian state of Yobe.⁶⁴ A Nigerian education official claims that the northeastern state of Borno has lost 50 of 175 schools with approximately 15,000 students not attending classes as a result of Boko Haram attacks. Similarly, the governor of Yobe claims that 209 schools have been destroyed in that state.⁶⁵ Although these attacks have destabilizing effects within and along Nigeria's borders, the concern

⁵⁹ Ely Karmon, "Boko Haram's International Reach," *Perspectives on Terrorism* 8, no. 1 (February 2014): 79.

⁶⁰ Karmon, "Boko Haram's International Reach," 74.

⁶¹ Karmon, "Boko Haram's International Reach," 74.; National Counterterrorism Center, *Counterterrorism 2013 Calendar, Boko Haram*.

⁶² See IHS Jane's World Insurgency and Terrorism report on Boko Haram for a comprehensive list of Boko Haram attacks including dates, methods of attack, and casualties. Note, IHS Jane's requires a user account. <https://janes-ihs-com.aufric.idm.oclc.org/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1320865&Pubabbrev=JWIT>

⁶³ "A Year of Attacks Linked to Nigeria's Boko Haram," *CNN*, February 27, 2014, <http://www.cnn.com/2014/02/27/world/africa/nigeria-year-of-attacks/>; Karmon, "Boko Haram's International Reach."

⁶⁴ "A Year of Attacks Linked to Nigeria's Boko Haram."

⁶⁵ Will Hartley, "Soft Target - Boko Haram Widens Campaign Against Civilians," *Jane's Intelligence Review*, November 12, 2013, <https://janes-ihs-com.aufric.idm.oclc.org/CustomPages/Janes/DisplayPage.aspx?DocType=News&ItemId=+++1592680&Pubabbrev=JIR>.

between U.S. officials and their European partners is Boko Haram's connections with other terrorist organizations.

These connections link the numerous violent organizations within the Arc of Instability and have the potential to spread if allowed. Some analysts draw attention to the relationship between Boko Haram, AQIM, Somalia's al-Shabaab, and international trafficking organizations as a threat to U.S. and European interests.⁶⁶ VEN connections within the Arc of Instability must be broken. Also, connections with international violent extremist organizations must be severed if the United States hopes to protect the American homeland through an active layered defense strategy.

If persistent pressure is not applied, this lethal collaboration between violent extremist groups, sharing deadly tactics and spreading a hateful message, has the potential to unleash a terror campaign dwarfing al-Qaeda in Afghanistan. Persistent pressure has the potential to create divisions among these VENs and must be applied along and within the Arc of Instability by indigenous forces trained, equipped, and supported by U.S. SOF SFA missions. This pressure will force VENs to address regional security forces rather than pursue more ambitious and deadlier attacks within Europe and the United States. A containment and elimination strategy will require a security assistance-based strategy akin to U.S. Cold War assistance, but it should be applied with a different focus.

Cold War BPC vs Post 9/11 SFA Missions

U.S Cold War security assistance was incorporated into a long-term strategy to contain threats to the United States and its allies. Building partner capacity during the Cold War reflected U.S. containment strategy focused on preventing countries from falling under the influence of communism.⁶⁷ The military programs used in support of

⁶⁶ Karmon, "Boko Haram's International Reach," 76. "In July 2012, Gen. Carter Ham...said there were signs of that BH, al-Shabaab and AQIM were increasingly coordinating their activities."

⁶⁷ Chester J. Pach, *Arming the Free World: The Origins of the United States Military Assistance Program, 1945-1950* (Chapel Hill: University of North Carolina Press, 1991), 4. "They [national security officials] have justified arms aid as a means of deterring aggression, containing Communist expansion, protecting overseas interests short of the dispatch of combat troops, and securing foreign cooperation with American military, economic, and political policies."

developed and developing countries during the Cold War were primarily based on existing ones in the U.S. military industrial base.

The focus of security assistance was to provide military aid in the form of major weapon systems as a means to develop partnerships and sway countries away from Soviet influence. In certain cases, security assistance was also used to ensure U.S. basing rights. The majority of the U.S. Cold War partners maintained an organized military capable of defending themselves against internal threats. These countries, however, were more susceptible to external superpowers seeking to expand their influence at the other's expense.

Training programs as a whole were associated with the use of equipment sold to defend from external rather than internal threats. U.S. Cold War policy used military sales to influence pragmatic leaders of countries seeking to capitalize on superpower competition. But in the current and future security environment, many armed forces the United States would like to assist are incapable of internal defense. Therefore, a traditional policy centered on sales of high-end weapons systems, to guarantee territorial defense against external threats, is not effective in countering non-state threats within under-developed or fragile countries.

Several military strategists have insisted that the September 11, 2001 attacks have not only signified a shift in the security environment but in warfare itself. General Rupert Smith classifies the transition from the ending of the Cold War to a war amongst the people as a paradigm shift in warfare.⁶⁸ Smith asserts that "War amongst the people is different: it is the reality in which the people in the streets and houses and fields – all the people, anywhere – are the battlefield... Civilians are the targets, objectives to be won, as much as an opposing force."⁶⁹ The opposing force in this new environment is not a peer or near-peer state but non-state actors operating within safe havens of un-governed regions (al-Qaeda in Pakistan, al-Qaeda in the Arabian Peninsula in Yemen, al Shabaab in Somalia, and AQIM in the Magrib/Trans-Sahara, not an all inclusive list).

⁶⁸ Rupert Smith, *The Utility of Force: The Art of War in the Modern World*, 1st Vintage Books ed (New York: Vintage Books, 2008), 5.

⁶⁹ Smith, *The Utility of Force*, 6.

Smith is not alone in asserting that relationships between non-state actors and populations are the future of conflict. Shultz Jr. agrees with General Smith, going so far as to say: “Unlike the Cold War when the most serious threats came from strong and powerful states, in the 21st century, weak and failing states will be the source of acute security challenges posed by non-state armed groups.”⁷⁰ VENs, such as AQIM and Boko Haram, are internal threats competing for victory over the people and taking advantage of the lack of governance within and along the seams of several under-developed countries.

Since 9/11, security force assistance missions have evolved from focusing solely on developing countries to also accounting for under-developed countries dealing with significant internal threats. It is out of this environment that the temporary authorities enacted in annual National Defense Authorization Acts (NDAA) originated. Put simply, Cold War-era security assistance programs and processes are too slow and cumbersome to respond to agile non-state threats. The 9/11 attacks originating from the Afghan sanctuary protected by the Taliban and caused a dramatic shift in U.S. policy. Since then, the United States has maintained a policy of an active defense and preventive war. As such, “SOF have shifted an emphasis on *training* partner forces in the 1990s to *partnering* with them as combat advisors over the past decade.”⁷¹ (emphasis added)

There has been a transition from conducting periodic joint training exercises to leading annual exercises and maintaining a sustained U.S. presence with partner nations. The question posed by this paper is whether the temporary authorities, birthed from an active defensive and preventive policy, are strategically shortsighted due to their temporary nature. This thesis asserts, temporary authorities do not equate to trusting partnerships necessary to address grievances that require persistent engagements.

A partnering strategy requires the building of trust nurtured through persistent engagements focused on developing capabilities. AFRICOM publicizes that it conducts 15 exercises and 11 security cooperation programs ranging from training military forces

⁷⁰ Shultz, *Security Force Assistance and Security Sector Reform*, 65.

⁷¹ Jim Thomas and Chris Dougherty, “Beyond the Ramparts, The Future of U.S. Special Operations Forces” (Center for Strategic and Budgetary Assessments, 2013), 19, <http://www.csbaonline.org/publications/2013/05/beyond-the-ramparts-the-future-of-u-s-special-operations-forces/>.

to HIV prevention.⁷² Exercise Flintlock is one exercise conducted annually, specifically for the Trans-Sahara region. AFRICOM states that the purposes of exercises like Flintlock are “to foster regional cooperation to enable our African partners to stabilize regions of North and West Africa, reducing sanctuary and support for violent extremist organizations. Exercise Flintlock provides increased interoperability, counterterrorism, and combat skills training while creating a venue for regional engagement among all TSCTP [Trans-Sahara Counterterrorism Partnership] nations.”⁷³

Flintlock is an example of an exercise that originated out of the Cold War and has adapted to address the present threat. It was originally designed to exercise U.S. and Western European infiltration and exfiltration capabilities against the Soviet Union. Flintlock now serves as a partnership building exercise to develop African partner capabilities to counter the present environment’s vulnerability to VENs. Exercises such as Flintlock may indicate a change in security assistance relationships emphasizing partnerships rather than military sales.

Building and maintaining strong and sustainable U.S. relationships, beyond just military sales, allows for flexible and responsive actions against emerging and immediate threats posed by VENs. Admiral McRaven believes that a quality relationship “can only be achieved by persistently engaging with willing partners.”⁷⁴ This increases trust and understanding between partners, resulting in access, influence, and information, preventing miscalculations and strategic failures, and ultimately preserving American lives, prestige, and credibility.⁷⁵ Throwing money and equipment at the problem is not the basis for a quality relationship. Personal and trusting relationships, supplemented by training and applicable equipment, are characteristic of SOF and relevant to the current and anticipated strategic environment.

⁷² See AFRICOM’s website: <http://www.africom.mil/what-we-do>.

⁷³ See AFRICOM’s website: <http://www.africom.mil/Topic/76>.

⁷⁴ *Posture Statement of U.S. Special Operations Command, Before the Senate Armed Services Comm. Emerging Threats and Capabilities Subcommittee*, 113th Cong. 4 (2014) (statement of Admiral William H. McRaven, Commander, U.S. Special Operations Command).

⁷⁵ Admiral William H. McRaven, *Posture Statement United States Special Operations Command*, 2014, 4.

Chapter 3

Title Programs

Americans expected military assistance to create recipient military forces that could literally replace American forces in containing and opposing communist expansion. The basic and ultimate objectives of U.S. military assistance, which would end when the communist threat had been defeated, were “to insure the internal security of countries where this consideration is a paramount problem; and to create military forces in being, sufficiently effective to deter aggression and, if possible, repel an invader.”¹

This section provides a descriptive overview of current title programs codified in U.S. law (U.S. Code) dealing with security assistance and building partnership capacity (BPC). Many of the programs originated during the Cold War but are still being applied in the present environment with the purposes of maintaining partner relationships and sustaining the U.S. defense industrial base. Overall, the “authorities [both title and special] are the vehicles by which Congress expresses its intent as to how the nation’s resources are to be used to build partner capacity.”² In reality, security assistance is often just as much a political debate as it is a security one.

Such authorities are important to understand given the political nature of security assistance and BPC activities. An understanding of them is necessary given the vast constellation of authorities, discussed in subsequent chapters, and helps explain why the DOD continues to argue for greater flexibility and control of their associated programs. The chapter concludes with an analysis of the origins, purpose, and relevance of the title programs to support the assertion that these programs are still relevant to the U.S. economy and U.S. international partnerships. The programs, however, have a limited effect in countering threats within under-developed countries.

¹ Quoted in William H. Mott, *Military Assistance: An Operational Perspective*, Contributions in Military Studies no. 170 (Westport, Conn: Greenwood Press, 1999), 2–3.

² Jennifer D. P Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity* (Santa Monica, Calif.: RAND, 2013), 15.

The traditional title programs relevant to security assistance and BPC are Foreign Military Sales (FMS), Foreign Military Financing (FMF), and International Military Education and Training (IMET). The Defense Institute of Security Assistance's (DISAM) Green Book summarizes departmental relationships in the following way: FMS, FMF, and IMET are administered by the DOD through its Defense Security Cooperation Agency (DSCA) but are under the State Department's control and resources.³ In other words, these three programs are authorized and regulated by Title 22, but they are implemented by Title 10 entities.

Title Programs

Foreign Military Sales (FMS)

FMS is a key Title 22 program within U.S. security assistance. It permits "eligible foreign governments [to] purchase defense articles, services, and training from the USG [U.S. government]. The purchasing government pays all costs associated with a sale."⁴ FMS is critical to the U.S. economy through its sustainment of domestic jobs and the military industrial complex.⁵ FMS fosters interoperability with vital allies and facilitates military-to-military relationships. DSCA's General Council, Derek Gilman, explains further that, "The idea...is if partners have U.S. equipment and U.S. training and are following U.S. doctrine, our interoperability is greater with them...That can lead, if you are sharing joint doctrine, to joint exercises and other types of military-to-military cooperation and...to decades-long relationships – core relationships – with partners

³ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 32nd ed., 2013, 1–2, <http://www.disam.dsca.mil/pages/pubs/greenbook.aspx>; Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 15.

⁴ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 32nd ed., 2013, 1–2, <http://www.disam.dsca.mil/pages/pubs/greenbook.aspx>. "The DOS *Congressional Budget Justification* (CBJ) for fiscal year (FY) 2011 estimated that about eighty foreign countries and international organizations would participate in FY 2011 in the FMS program, with total estimated sales of \$37 billion. The final FMS total for FY 2012 was \$69.1 billion to include \$5.2 billion in pseudo LOA agreements. The projection for FY 2013 is \$32.9 billion overall."

⁵ See Sydney Freedberg Jr. article "U.S. Foreign Military Sales Top \$65 Billion." Freedberg sources DSCA's Deputy Director Richard Genaille's National Press Club speech where "Genaille said, 'the FMS portfolio is valued at \$385 billion dollars,' and supports 'at least 3.5 million jobs, [at] a conservative estimate.'" <http://breakingdefense.com/2012/09/us-foreign-military-sales-top-65-billion/>.

around the world.”⁶ FMS is primarily about maintaining relationships rather than developing new ones. Accordingly, FMS approval is typically more a political rather than a security decision.

According to the Foreign Assistance Act (FAA) and the Arms Export Control Act (AECA), the President of the United States determines a country’s or an organization’s eligibility. Eligibility status is determined using the criteria in Table 1. In addition to the eligibility criteria depicted below, a country or organization may have its eligibility status suspended if it violates certain conditions. Reasons for suspension of eligibility are outlined in the FMS overview section of the Security Assistance Management Manual (SAMM). Table 2 outlines five of the more current reasons for suspension. For example, Mauritania, Niger, and Mali have all recently experienced temporary suspension of security assistance due to coups.

Table 1. Presidential Determination Criteria for FMS Eligibility.

#	FMS Eligibility Criteria
1	The President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States (U.S.) and promote world peace;
2	The country or international organization has agreed not to transfer title to, or possession of, any defense article or related training or other defense service so furnished to it or produced in a cooperative project, to anyone not an officer, employee, or agent of that country or international organization, and not to use or permit the use of such an article or related training or other defense service for purposes other than those for which furnished, unless the consent of the President (Department of State) has first been obtained;
3	The country or international organization has agreed that it shall maintain the security of such article or service and provide substantially the same degree of security protection afforded to such article by the U.S.; and
4	The country or international organization is otherwise eligible to purchase or lease defense articles or defense services.
	Source: Foreign Assistance Act of 1961, as amended (FAA) section 505(a) (22 U.S.C. 2314), and AECA section 3(a) (22 U.S.C. 2753).

Source: DSCA’s SAMM. <http://www.samm.dsca.mil/chapter/chapter-4>.

⁶ Cheryl Pellerin, “U.S. Foreign Military Sales Promote Security Cooperation,” *American Forces Press Service*, September 18, 2013, <http://www.defense.gov/News/NewsArticle.aspx?ID=120815>.

Table 2. Reasons for Change of FMS Eligibility Status.

<p>Unnecessary Military Expenditures. When the President finds that any economically less-developed country is diverting development assistance to military expenditures or is diverting its own resources to unnecessary military expenditures to a degree that materially interferes with its development, such country will be immediately ineligible for further sales and guarantees until the President is assured that such diversion will no longer take place. (<u>AECA section 35 (22 U.S.C. 2775)</u>). Applies to sales, credits, and guaranties subsequent to such a determination; existing sales, credits, and guaranties need not be terminated.</p>
<p>Default in Payment to the USG in Excess of Six Months. No assistance shall be furnished to any country which is in default in payment to the USG on interest or principal on any FAA-authorized loan in excess of six months (<u>FAA section 620(q) (22 U.S.C. 2370)</u>).</p>
<p>Default in Payment to the USG in Excess of Twelve Months. No assistance may be provided to any country in default in payment to the USG on interest or principal for a period of more than one calendar year on any foreign assistance or loan (e.g., a development assistance, FMF, or ESF loan), (<u>Section 7012, P.L. 111-8</u>). (Renewed in the annual S/FOAA, and commonly referred to as the Brooke Amendment.)</p>
<p>Military Coup or Decree. No assistance shall be furnished to any country whose duly elected head of government is deposed by military coup or decree (<u>Section 7008, P.L. 111-8</u>).</p>
<p>Gross Violations of Human Rights. No security assistance may be furnished to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights (<u>FAA section 502B (22 U.S.C. 2304)</u>).</p>

Source: Modified from DSCA's SAMM. <http://www.samm.dsca.mil/chapter/chapter-4>.

Foreign Military Financing Program (FMFP)

FMFP is also a cornerstone title program, which is similar to but also different from FMS. FMFP (DOS Title 22 program) is commonly referred to as Foreign Military Financing (FMF). Like FMS, FMF is provided to partner countries to develop military-to-military relationships, foster interoperability, and counter regional and internal threats applicable to U.S. interests.⁷ Additionally, FMF plays a vital role with respect to the U.S. economy and defense industry.

FMF is a means for the U.S. government to finance purchases of U.S. military equipment by foreign countries. Grants (no repayment) finance purchases “through

⁷ Bureau of Political-Military Affairs, “Foreign Military Financing (FMF)” (Department of State), accessed November 12, 2013, <http://www.state.gov/t/pm/65531.htm>.

either FMS or direct commercial sales (DCS).”⁸ FMF differs from FMS in one critical way. FMS purchases are completely financed by the purchasing country and are not appropriated by Congress.⁹ When FMF grants are used to procure equipment, services, or training through FMS, the eligibility criteria from Table 1 apply. When DCS (also referred to as Direct Commercial Contracts [FMF DCC]) are used, companies are required to be approved through DSCA’s certification and agreement process.¹⁰

Given differences in functions and mandates, it is unsurprising that Department of State and DOD officials have different views of FMS and FMF. The differences were absolutely clear when the author interviewed a number of Department of State and DOD officials responsible for security assistance. Department of State officials perceive FMF and other security assistance as funding means whereas FMS is viewed as more of a system.¹¹ As FMF and other security assistance can be used to make purchases through FMS or via direct commercial sales, Department of State officials see little difference between FMS and FMF. One key difference they point to is that FMS is based on the purchasing nation’s money whereas FMF relies on U.S. grant money being used by the purchasing nation.

The way security assistance is traditionally processed is a reason for the difference in viewpoints. Almost all security assistance is processed by the Defense

⁸ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 32nd ed., 2013, 1–2, <http://www.disam.dsca.mil/pages/pubs/greenbook.aspx>. “At present, the program consists of Congressionally appropriated grants and loans which enable eligible foreign governments to purchase US defense articles, services, and training through either FMS or direct commercial sales (DCS).”

⁹ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–3. “FMFP funding for FY 2011 was \$5.374 billion. FMFP funding for FY 2012 is a similar figure of \$5.21 billion plus an additional \$1.102 billion for overseas contingency operations. All of FMFP appropriations are grants.” See 22 U.S.C. 2301 description of Congressional intentions in supporting military assistance and sales. “In enacting this legislation, it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing countries essential to their more rapid social, economic, and political progress.” Accessed January 18, 2014, http://www.law.cornell.edu/uscode/pdf/uscode22/lii_usc_TI_22_CH_32_SC_II_PA_I_SE_2301.pdf.

¹⁰ See DSCA Direct Commercial Contracts website: <http://www.dsca.mil/resources/foreign-military-financing-direct-commercial-contracts-fmf-dcc>.

¹¹ Interviews with two State Department security assistance officials by the author, Department of State, Washington, DC, 24 February 2014. Both officials provided information regarding security assistance on the condition of anonymity. Notes from all interviews are in the author’s possession.

Security Cooperation Agency, including all those covered as part of this study except for Section 1208. DSCA uses the same FMS-centric system to facilitate requests and processing regardless of the security assistance authority being used to initiate or fund the request. For FMS, this process is comprised of cases built around the Letter of Offer and Acceptance (LOA). For FMF and other security assistance, pseudo LOA cases are developed and processed as if they were FMS cases. A key difference is the processing priority given to each case. Meaning, the authority used to fund the case will dictate the processing priority within DSCA's system.¹² It is easy to understand why FMS and FMF are perceived as one in the same since they are almost all processed using the same DSCA methods and system.

DOD security assistance professionals view FMS and FMF as separate programs regardless how they are processed. During interviews with the author, DOD officials were clear that FMS and FMF are not the same thing.¹³ From their perspective, FMS sells major weapon systems to support the U.S. defense industry. Such sales decrease the per-unit cost of equipment for the United States. For example, Andrea Shalal-Esa from Reuters reported that South Korea's pending purchase of 40 Lockheed Martin F-35s will save the United States an estimated \$2 billion by reducing the price of each aircraft.¹⁴ Aside from the interoperability and military-to-military relationships aspects of FMS, the perspective of DOD officials does not differ from DSCA's General Council Gilman's description of the programs above. Recipient countries' interpretations of FMF assistance and therefore their application of assistance are key elements to this discussion.

One key distinction DOD officials emphasize is how host nation leaders view FMF and FMS. According to the former acting Deputy Assistant Secretary of Defense for Special Operations and Combating Terrorism, James Roberts, habitual relationships

¹² Per an interview with a DSCA official by the author, DSCA typically processes security assistance requests with the following prioritization: Peacekeeping Operations (PKO), Section 1200-series, and traditional title programs (FMS, FMF, and IMET). Interview with a Defense Security Cooperation Agency official by the author, Washington, D.C., 25 February 2014. Notes from the interview are in the author's possession.

¹³ Interviews with Department of Defense security assistance officials, Washington, D.C., 24-25 February 2014.

¹⁴ Andrea Shalal-Esa, "South Korea Order Would Drive F-35 Per-Plane Cost Lower," *Reuters*, November 26, 2013, <http://www.reuters.com/article/2013/11/26/lockheed-fighter-korea-idUSL2N0JB24120131126>.

based on years of assistance can lead some partner nations' leaders to view FMF grants as their money.¹⁵ U.S. aid spent without U.S. interests in mind is an implication of this interpretation. This observation mirrors a key finding of a study on security assistance programs conducted by RAND, noting the DOD's lack of control regarding how assistance is spent. According to RAND's study *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*: "FMF is slow, not prioritized against DOD objectives, inflexible, and *difficult for DOD to control once dispersed*."¹⁶ (emphasis added)

An example the RAND study authors provide comes from the newest Geographic Combatant Command, Africa Command (AFRICOM). AFRICOM staff have been able to control how FMF is spent by the partner nation. But the partner nation "still controls the rate at which FMF is spent (the 'burn rate'), and retains incentives to hold on to the funds because they receive interest while they [funds] remain in the account."¹⁷ Put simply, under-developed countries are given incentives not to spend FMF since they can accrue interest on U.S. granted assistance.

According to Roberts, this perception places country security assistance teams in an awkward position. Teams are forced to balance between maintaining relationships and persuading partner nations to purchase equipment within their capacity to operate and sustain.¹⁸ For instance, some leaders of partner nations want to purchase more capable and expensive high-technology aircraft, such as F-16s and C-130s, to bolster their nation's prestige. Such aircraft, however, do nothing for the United States if they cannot be operated or maintained against terrorist and insurgent threats within the partner nation's borders. Security assistance teams also face another challenge in addition to the pressures associated with maintaining relationships: "mirror imaging."

¹⁵ James Q. Roberts, interview by the author during visit to National Defense University, Washington D.C., 24 February 2014.

¹⁶ Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 60.

¹⁷ Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 37.

¹⁸ Roberts, interview.

In the context of several North and West African countries, mirror imaging means providing equipment based on U.S. military needs, processes, and assumptions rather than those of its partners. Mirror imaging risks overwhelming partners with high-technology equipment too expensive to purchase and maintain on the assumption they are capable of doing so. For example, a normal capability on most U.S. combat aircraft is a sensor ball or pod able to improve target acquisition and tracking.¹⁹ There is a tendency to assume, through mirror imaging, that because such a capability is the “norm” for U.S. processes that we should export to partners as the most effective option available. Mirror imaging capabilities is not the answer to countering violent extremist networks, whether it is done through FMS or FMF. Equipment sold or provided needs to be tailored to the sustainment capacity, or absorption rate, of the partner nation.

Roberts addresses mirror imaging and provides a solution in a PRISM Journal article entitled “Building the Capabilities and Capacity of Partners?” Roberts concludes that, “For many partners, less sophisticated, more rugged, and less complex equipment is far more efficient than trying to outfit them with current models of U.S. gear. As a general matter, our equipment is too high tech and too dependent on fastidious maintenance, to be very useful in much of the Third World.”²⁰ The security assistance program discussed next is intended to mitigate mirror imaging by developing shared experiences and exchanges of perspectives.

International Military Education and Training (IMET)

IMET is another DOS program (Title 22) that is administered by the DOD through DSCA. IMET’s intent is to develop military-to-military relationships while professionalizing partner nation forces by selecting foreign military professionals to attend U.S. military institutions for professional military education.²¹ These exposures to

¹⁹ An example of such a sensor pod is the AN-AAQ 28(V) “Litening,” fitted to fighter and bomber aircraft. See the following for details: “AN/AAQ-28(V) LITENING Targeting Pod,” NorthropGrumman.com, available online at <http://www.northropgrumman.com/Capabilities/litening/Pages/default.aspx>, accessed 1 May 2014.

²⁰ James Q. Roberts, “Building the Capabilities and Capacity of Partners: Is This Defense Business?,” *Prism* 4, no. 2 (2013): 72.

²¹ Bureau of Political-Military Affairs, “International Military Education and Training (IMET)” (Department of State), accessed November 12, 2013, <http://www.state.gov/t/pm/65533.htm>. An early

U.S. military training institutions and military professionals generate relationships for mutual future access and provide a conduit to communicate U.S. and partner security issues.²²

An IMET aspect not covered in documents is the relationships between international officers developed while attending U.S. institutions of professional military education. This aspect of IMET was discussed during interviews conducted by the author with international student officers from the United Kingdom, Australia, France, and India.²³ In many instances, IMET provides opportunities for international officers to interact with other international officers. Particularly, intermingle with officers they normally would not interact with outside of this setting. The idea is this relationship provides a conduit for communication typically absent outside of this environment, which may translate to common understandings of security concerns for future use. For this reason, as well as the relatively low-entry cost to participate, many professionals view IMET as the most “bang for buck” of all of the security assistance programs.

The United States uses IMET as a means to develop professional military members in many under-developed partner nations. IMET may be the only form of affordable U.S. training and international interaction for some under-developed countries.²⁴ According to DISAM’s Green Book, “In many countries, having a core group of well-trained, professional leaders with firsthand knowledge of America will make a difference in winning access and influence for our diplomatic and military representatives. Thus, a relatively small amount of IMET funding will provide a return for U.S. policy goals, over the years, far greater than the original investment.”²⁵

evaluation of the effectiveness of the program is contained in John Cope, *International Military Education and Training: An Assessment*, McNair Paper 44 (Washington, DC: NDU Press, October 1995).

²² Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 39.

²³ Interviews with international student officers, Maxwell AFB, Alabama, 7 April 2014.

²⁴ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–4. “The IMET program aims to provide long-term strategic benefits to both the U.S. and partner nations, particularly when the partner’s limited defense funding would otherwise preclude training with the US military.”

²⁵ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–4.

The results of IMET are not universally positive. The leader of the recent coup in Mali, Captain Amadou Haya Sanogo, was educated through an IMET program before he led the coup. The DISAM's Green Book, however, outlines the criteria for IMET student selection to hedge against programmatic misuse or misapplication. Among the requirements are: leadership potential, retainability, utility, and screening for "involvement in gross human rights or criminal acts."²⁶ For example, officers from Indonesian special operations units, Kopassus, have been barred from attending IMET-sponsored programs because of human rights abuses in East Timor and elsewhere.

Like FMS and FMF, IMET has also been criticized for being non-responsive and inflexible. The authors of a Congressional Research Service's (CRS) *The Department of Defense Role in Foreign Assistance*, assert that these reasons were the DOD's impetus to request its own train and equip authority, Section 1206. FY2006 NDAA Section 1206 "was established to provide a quicker response in such circumstances."²⁷ Chapter Four elaborates on Section 1206 Train and Equip authority's details, including its purposes and origin. In addition to Section 1206, the DOD established its own education and training program.

In 2002, the DOD established the Combating Terrorism Fellowship Program (CTFP) to fill gaps not filled by IMET. Specifically, "CTFP was established to meet an emerging and urgent defense requirement to build partnerships through targeted, non-lethal, combating terrorism (CbT) education and training."²⁸ Based on the description of CTFP, it is possible that DOD officials felt IMET was targeting the wrong international officers and was not responsive in meeting the "urgent" requirements of the post 9/11 environment.

²⁶ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 14–23 and 14–24.

²⁷ Nina Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress* (Congressional Research Service, December 9, 2008), 54, <http://www.fas.org/sgp/crs/natsec/RL34639.pdf>.

²⁸ "Regional Defense Combating Terrorism Fellowship Program Annual Guidance for FY2014" (Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, November 2013), 1.

Analysis

This analysis section provides answers for the following questions related to title programs: Who developed them? For what purposes were they developed (targeted countries, strategic environment, and the U.S. domestic political environment)? Are the title programs still applicable to the present and anticipated strategic environment? The answers serve as themes for this section: title programs originated from the Cold War but morphed into programs critical to supporting the U.S. economy and maintaining key long-term partnerships; they were part of the long-term strategy to defeat communism; and, the post 9/11 strategic environment requires the same long-term commitment but with an emphasis on under-developed countries, who are susceptible to VENs. These themes are not exclusive to title programs but carry over into subsequent analysis of all security assistance authorities.

As a whole, authorities and the programs they empower expand beyond their original intent and become hostages to bureaucratic obstacles. Several bureaucratic obstacles relevant to this study are interagency parochialism, organizational inertia, and due to eventual growth, programs become slower and less responsive than originally intended. Chapter Six, Recommendations and Conclusion, evaluates the reasons for these obstacles and provides recommendations to overcome them. It is important to understand that given enough time, innovative programs usually fall victim to all or several of these institutional obstacles.

Traditional title authorities have a historical connection to World War II (WWII) lend-lease programs. President Harry S. Truman was responsible for continuing lend-lease programs after WWII given their effectiveness, responsiveness, and the demands of rebuilding friendly partner militaries. These programs were, in combination with economic aid, the beginning of modern U.S. security force assistance responsible for rebuilding the free world. The continuation of assistance programs during peacetime marked a significant point in U.S. national policy, where “never before, except in time of

war, had the United States used military assistance as a major, continuing instrument of national policy.”²⁹

Ad-hoc measures to post-WWII security assistance needs, including lend-lease, were eventually developed, modified, and codified into their own programs. For example, various ad-hoc programs served as the framework to transfer U.S. war surplus weapons to NATO countries.³⁰ The programs were formalized under the Mutual Defense Assistance Act of 1949 “to demonstrate U.S. commitment to the NATO alliance and was designed to cover U.S. military assistance to NATO allies and other friends of the United States.”³¹ Notable Cold War U.S. military assistance recipients included: the Republic of China, South Korea, the Philippines, Greece, Turkey, French Indochina, South Vietnam, Iran, Saudi Arabia, and several countries within Latin America and Africa.

The purpose of military assistance and its application have evolved in conjunction with U.S. experiences in Cold War conflicts and the perspectives of national security leaders as a result of them. Subsequent presidents from 1945 until the late 1960s viewed military assistance as “a policy to create indigenous forces anywhere to act as American proxies.”³² After the perceived failure of depending on proxy forces in Vietnam, military assistance under President Richard M. Nixon changed. The policy named as a result of his decision, the so-called “Nixon Doctrine,” dictated a shift in U.S. security assistance “to support *major recipient military efforts* and justified only by explicit U.S. national interest in particular countries or regions, rather than ideology.”³³ (emphasis added) This significant change in policy emphasized “material assistance and economic support” versus training and aid.³⁴

²⁹ Chester J. Pach, *Arming the Free World: The Origins of the United States Military Assistance Program, 1945-1950* (Chapel Hill: University of North Carolina Press, 1991), 7.

³⁰ Roger P. Labrie, John G. Hutchins, and Edwin W. A. Peura, *U.S. Arms Sales Policy: Background and Issues*, AEI Studies 359 (Washington, D.C: American Enterprise Institute for Public Policy Research, 1982), 7.

³¹ Labrie, Hutchins, and Peura, *U.S. Arms Sales Policy*, 7.

³² Mott, *Military Assistance*, 3.

³³ Mott, *Military Assistance*, 3.

³⁴ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, A2-9.

The conservative approach towards security assistance initiated during the Nixon Administration grew more so under President James E. “Jimmy” Carter. The Carter Administration attempted to limit arms sales to prevent global conflict as a result of arms proliferation as part of the policy of détente with the Soviet Union.³⁵ Human rights provisions, which form a major part of current security assistance guidelines, originated due to President Carter’s clear and firm foreign policy stance on the issue.³⁶ In dramatic contrast to the Carter Administration, the Reagan Administration pursued a more aggressive arms sales policy as a means to counter Soviet global influence.³⁷

Major security assistance commitments did not change with the end of the Cold War. In 1987, David Louscher and Michael Salomone identified five historical U.S. foreign assistance priorities: “(1) the rearmament of NATO from 1950 to 1965; (2) the U.S. commitment to Vietnam, 1965 to 1975; (3) the U.S. commitment to Israel, 1974 to present; (4) U.S. concern about oil dependency of its allies; and (5) renewed interest in NATO rearmament, 1980 to the present.”³⁸ Only one of the five priorities, the U.S. commitment to Vietnam, is no longer a current commitment of traditional title programs.

The title programs evolved out of the remaining priorities and presently continue to support American overseas security interests. In the post-Cold War era, NATO’s mission has evolved and the organization continues to incorporate more countries to remain relevant. The United States uses security assistance means to sustain peace between Israel and its neighbors. Finally, security assistance continues to assist U.S. power balancing efforts in the oil-rich Middle East region.

As discussed, security assistance under the Nixon Doctrine shifted focus towards military sales. For the most part, this continues to be the norm for military assistance.³⁹

³⁵ Labrie, Hutchins, and Peura, *U.S. Arms Sales Policy*, 1; The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, A2–11.

³⁶ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, A2–11.

³⁷ Labrie, Hutchins, and Peura, *U.S. Arms Sales Policy*, 15.

³⁸ David J. Louscher and Michael D. Salomone, *Technology Transfer and U.S. Security Assistance: The Impact of Licensed Production*, Westview Special Studies in National Security and Defense Policy (Boulder, Colo: Westview Press, 1987), 25.

³⁹ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, A2–9. “One of the primary aspects of the changed policy was the transfer of immediate self defense responsibilities to indigenous forces, with the U.S. continuing to provide material assistance and economic

The weight placed on military sales has remained the same since the Nixon Administration, but military aid became a renewed priority for U.S. national security after September 11, 2001.

The U.S. response to September 11 was swift but not problem free. In particular, the use of DOD SOF and Central Intelligence Agency (CIA) paramilitary personnel quickly and efficiently linked up with Afghan Northern Alliance forces to go on the offensive.⁴⁰ The CIA's ability to use Title 50 authorizations for covert action gave its personnel the ability to disperse funds to proxy forces as and when they saw fit. Unfortunately, DOD SOF did not have a comparable funding mechanism under Title 10. This led to the unfortunate situation where SOF forces, operating against remaining Taliban and al-Qaeda forces, could not fund local warlords after CIA officers moved on and took funding with them.⁴¹ Security assistance authorities designed for the circumstances of the Cold War were not applicable to fluid circumstances in Afghanistan and were equally inadequate for the counterinsurgency efforts later in rebuilding Afghanistan and Iraq.

The domestic political environment after September 11, 2001, supported a dramatic shift in security assistance administration. The DOD was empowered with its own set of security assistance authorities under President George W. Bush's Administration. Initially, the shift in authorities was intended to be temporary, but has continued for nearly a decade. For the most part, all branches of government supported

support. Further, the concept of self-sufficiency increased the emphasis on military sales, as opposed to grants. Additionally, the linkage of a variety of security-related military and economic assistance programs led to the use of an umbrella term for these programs, security assistance. Thus, it was during the Nixon Administration that many of the major features of the present U.S. SA program were formalized...Critical to the doctrine was the view that although the U.S. would continue to bear responsibility for the deterrence of nuclear and conventional war, the responsibility for the deterrence of localized wars would rest with the countries threatened by such wars. The U.S. would continue to furnish limited grant assistance to such countries, but they would be expected to assume primary responsibility for their own defense, including the marshaling of the necessary manpower and resources. The major effort would have to be made by the governments and peoples of these states. The doctrine was mainly a product of public reaction against the largely unsuccessful military intervention by the U.S. in Vietnam during the 1960s."

⁴⁰ For details see Gary Berntsen and Ralph Pezzullo, *Jawbreaker, The Attack on Bin Laden and Al-Qaeda: A Personal Account by the CIA's Key Field Commander* (New York: Three Rivers, 2005).

⁴¹ The details of an incident between CIA personnel and SOF is contained in Lt Col David E. Hill, Jr., *The Shaft of the Spear: US Special Operations Command, Funding Authority, and the Global War on Terrorism*, US Army War College Strategy Research Project Paper (15 March 2006), 8-9.

the initiative as part of a unified effort to counter terrorism, but as subsequent chapters will demonstrate, domestic situation to continue such authorities has waned.

Security assistance authorities and programs grew under President George W. Bush's Administration, becoming an essential component of the Global War on Terrorism (GWOT) strategy. The Bush administration sought and received "authority for providing this assistance [security cooperation] using DOD funding via the annual national defense authorization acts."⁴² Initially the FMS-centric system using the pseudo case process described earlier was not used, but Congress became concerned with the accountability, management, and assessment of the DOD programs.⁴³ These programs continue, expand, and increase beyond their initial intents and numbers under the Obama administration.⁴⁴

Ultimately the question in need of an answer is whether title programs remain relevant to the present and future security environments. The answer is mixed depending on the context. Domestically, such programs remain useful and relevant. In terms of addressing national security concerns, however, title programs are insufficient. Domestically some title programs, specifically FMS, are necessary to sustain the U.S. military industrial base.⁴⁵ For example, South Korea's F-35 purchase alone is predicted to create approximately 10,000 U.S. jobs.⁴⁶ U.S. economic difficulties, though, may impede the willingness of Congress to support security assistance programs such as FMF and the NDAA authorities.⁴⁷ Since security assistance is driven by political as well as

⁴² The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, A2-18.

⁴³ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, A2-18.

⁴⁴ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, A2-18 and 19.

⁴⁵ See DSCA Major Arms Sales website. The majority of the sales are aircraft, aircraft weapons, or upgrades for already purchased aircraft. <http://www.dsca.mil/major-arms-sales>.

⁴⁶ Shalal-Esa, "South Korea Order Would Drive F-35 Per-Plane Cost Lower."

⁴⁷ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, A2-20. "Finally, growing economic difficulties, recession-induced increases in unemployment, and company failures have produced a political environment in the U.S. which lacks support for foreign assistance programs of any kind. In this atmosphere, the [Obama] Administration will be hard pressed to induce Congressional support for the funding of the U.S. SC programs which are the subjects of this text. Marketing efforts necessary to support the sale of U.S. defense articles overseas continue to intensify. Strong, directed effort by U.S. embassies to promote the products of U.S. companies may be expected to continue as the U.S. defense industrial base adjusts to the post-Cold War downsizing."

security concerns, it will be difficult for Congress to continue justification for foreign assistance when the U.S. economy is weak and the unemployment rate continues to be high.

The relationship between the U.S. economy and security assistance programs is a symbiotic relationship. Just as the U.S. military industrial base relies on FMS, waning domestic support for assistance programs will negatively affect support for FMF and other grant-like assistance. Under-developed countries rely on these grant-like programs to counter internal threats by developing governance, security, and economic reforms.

Threats within and along the seams of these under-developed countries, as described in Chapter Two, are where VENs seek to challenge U.S., allied, and partner nations' security. Title programs remain relevant in providing military sales to developed allies and partners in key regions such as the Middle East and Asia. Title programs, however, do not align with the present and anticipated strategic environment since they are narrowly focused on conventional military sales rather than continued security assistance to counter insurgencies in under-developed countries.

Under-developed countries, specifically in Africa, rely on grants provided by FMF and IMET for critical military assistance. For example, AFRICOM asserts, "The FMF program in Africa has grown from \$16 million in fiscal year 2008 to \$45 million in fiscal year 2011. Approximately 18 nations receive grants through the FMF program."⁴⁸ The relationships U.S. and partners foster under FMF and IMET are vital to U.S. national security by containing VENs through persistent engagement by indigenous security forces.

Security assistance within under-developed countries requires a whole of government approach focused on partner nation governance, security, and economic

⁴⁸ U.S. Africa Command, "Foreign Military Financing Program Factsheet," October 2012, <http://www.africom.mil/Newsroom/Document/9840/fact-sheet-foreign-military-financing>. "The FMF program in Africa has grown from \$16M million in fiscal year 2008 to \$45 million in fiscal year 2011. Approximately 18 nations receive grants through the FMF program. In FY 2011, the largest benefitting country in the AFRICOM area of responsibility (AOR) was Tunisia with an allocation of \$17 million, followed by Morocco with \$9 million and Liberia with \$7 million. The countries within the AFRICOM AOR that receive FMF include: Botswana, Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Libya, Mali, Morocco, Nigeria, Rwanda, Senegal, South Africa, Tanzania, Tunisia, and Uganda."

programs. Traditional security assistance focuses on providing a capability-based approach such as air-to-air or ballistic missile defense, which are not applicable to under-developed countries within the Arc of Instability. Under-developed countries require governance reforms targeted at eradicating public corruption and human rights abuse while increasing capabilities to provide humanitarian aid to disenfranchised populations. These reforms are intended to reach populations who remain vulnerable to VEN propaganda, funding, and influence.

The three title programs outlined previously are inadequate to counter threats in the Trans-Sahara since they were designed with developed partners in mind and are not applicable to under-developed partners where U.S. security and interests are threaten. FMS is not constructed to meet the challenges created by VENs. The intent of FMS does not match the resources and capabilities of under-developed countries. IMET can only do so much since it is a limitedly funded program designed to develop individual seeds of professionalism and access, not unit-size training.

For the present and anticipated environment, FMF is the more relevant of the traditional title programs discussed to counter VENs in under-developed countries. The inability of FMF to spread effectively throughout Trans-Saharan African countries is one problem. In addition, its susceptibility like all foreign aid to a waning domestic economy, combined with a lack of responsiveness and flexibility, decreases FMF's effectiveness. For these reasons, the DOD has requested and amassed security assistance authorities of its own. A substantial portion of the next chapter is dedicated to detailing positive and negative implications associated with the DOD's increasing role in security assistance under these authorities.

Chapter 4

Special Authorities

Most security assistance authorities and programs are stove-piped, operating with little reference to other authorities and programs. The agencies involved, primarily State and DOD, have their own views of the requirement and their own answers as to how to meet that need. This absence of coherent design and strategy was reinforced by the end of the Cold War, which provided a unifying theme and objective for security assistance programs. As a result, the traditional State Department portfolio programs reinforces existing strategic relationships, while DOD programs focus on the connection to the operational requirements of U.S. forces in the field and regional Combatant Commands.¹
(emphasis added)

The quote above describes the post-September 11, 2001 environment in which the implementation of security assistance has become so critical and controversial at the same time. This chapter focuses on the temporary security assistance authorities that are established using the annual National Defense Authorization Acts (NDAA). Following the significant modifications of authorities can be cumbersome and confusing due to their temporary nature and many modifications.

There are two purposes to this chapter. One purpose of this chapter is to provide those conducting security assistance activities with a consolidated description of Sections 1206, 1207, and 1208 authorities. This chapter evaluates each one of these authorities in turn. Many operators conduct activities according to these authorities but few sufficiently understand their distinctions, much less their limitations. In looking at the intent behind the authorities, and tracking their modifications, the analysis in this chapter identifies a number of key issues and controversies. The second purpose is to assess these issues and controversies by submitting to the test of the same questions asked at the conclusion of Chapter Three. This chapter takes the analysis one step further by asking

¹ Gordon Adams and Rebecca Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities* (Stimson Center, March 2011), 20.

and answering an additional question: what are the implications of continuing in the present framework of security assistance?

Fulfilling these two purposes highlights several, but not all implications in an attempt to raise awareness for those at the “end of the whip” of programs utilizing temporary security assistance authorities. Furthermore, these implications are the foundation for the next chapter, which provides recommendations after considering the implications of theory. For source material, this chapter relies heavily on NDAA legislation, Congressional Research Service (CRS) reports, the Defense Institute of Security Assistance Management’s (DISAM) Green Book, and interviews with subject matter experts including security assistance officials.

SFA Special Authorities

NDAA FY 2006 Section 1206 Building Partner Capacity of Foreign Militaries-Global Train and Equip (as amended).

The intent of 1206 is to fund programs used specifically to counter terrorism. For FY2014, Section 1206 provides \$262,500,000 annually of the DOD’s Operations and Maintenance (O&M) funding “to equip, supply, and train foreign military forces (including maritime security forces) to conduct counter-terrorism operations, or participate in or support military and stability operations in which U.S. forces are participating.”² The FY2014 NDAA expanded authorization from the training and equipping solely of foreign military forces, “To build the capacity of a foreign country’s security forces to conduct counterterrorism operations.”³ Including civilian security forces is an important expansion of this authority, which DOD has been requesting for several years and is significant to the next sections discussion related to Section 1207-

² The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 32nd ed., 2013, 1–8, <http://www.disam.dsca.mil/pages/pubs/greenbook.aspx>; Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance* (Center for Strategic and International Studies, January 2008), 10, <http://csis.org/files/media/csis/pubs/080118-andrews-integrating21stcentury.pdf>; U.S. Congress, *National Defense Authorization Act of Fiscal Year 2014*, Pub. L. No. 113-66, 127 Stat. 891 (2013)

³ U.S. Congress, *National Defense Authorization Act of Fiscal Year 2014*, Pub. L. No. 113-66, 127 Stat. 891 (2013)

Global Security Contingency Fund.⁴

As reflected in a former Assistant Secretary of Defense's comments, Section 1206 has been a critical authorization for SOF. Michael Sheehan, asserts, "Although not SOF-specific, Section 1206 is often utilized by SOF particularly when training SOF partner nation units."⁵ Section 1206 has not only been vital to SOF but is considered essential by the DOD as a whole for building partner capacity through interagency cooperation.

Section 1206 is an interagency authority requiring concurrence by both the Department of State and the DOD. The DOD has described Section 1206 programs and processes as "the 'gold standard' for interagency planning and cooperation."⁶ Section 1206 is considered a "dual key" authority requiring concurrence from the Secretary of Defense (SECDEF) and Secretary of State (SECSTATE).⁷

Of the three special authorities discussed in this paper, 1206 has been through the most modifications. Trends in modifications suggest members of Congress are concerned with giving the DOD a more pronounced role in U.S. foreign policy. For example, temporary authority oversight has become more restrictive. In the FY2014 NDAA, Congress has capped 1206 spending until the SECDEF and SECSTATE provide a report detailing planning and execution of 1206 programs.

Despite the concerns of some members of Congress, DOD is expanding its role in U.S. foreign policy as a result of Section 1206. Up until FY2010, the base amount of funding for Section 1206 continued to rise. In addition, the Congress continues to extend the authority past its initial three-year cap routinely. In addition to growth of funding, and significantly for 2014, the scope of Section 1206 has increased. As mentioned

⁴ As the most effective counterterrorism units are part of either law enforcement or intelligence communities within some countries, this is seen as a critical change to Section 1206.

⁵ Michael Sheehan, "Letter to the House Committee on Armed Services" (Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, January 30, 2013), 10.

⁶ Nina Serafino, *Security Assistance Reform: "Section 1206" Background and Issues for Congress* (Congressional Research Service, April 19, 2013), 10, <http://www.fas.org/sgp/crs/natsec/RS22855.pdf>.

⁷ Nina Serafino, *Security Assistance Reform: "Section 1206" Background and Issues for Congress* (Congressional Research Service, April 19, 2013), 9. "As modified by the FY2007 John Warner NDAA, Section 1206 authority permits the Secretary of Defense to provide Section 1206 support with the "concurrence" of the Secretary of State. According to DOD and State Department officials, that term has been interpreted to mean the Secretary of State's approval. Section 1206 also requires both secretaries to jointly formulate any program and coordinate in its implementation."

previous, the FY2014 NDAA allows DOD advisors to train civilian security forces, a measure which moves well beyond the original intent of Section 1206.

The following is a summary of significant 1206 modifications:

- expansion of the DOD's training span and projects permitted using 1206 funds;
- the monetary assistance level experienced annual increases until FY2010 (Spending was restricted to \$75M annually for the years FY2010-11. Spending was restricted to \$100M for FY2012-13. Per FY2014 NDAA, spending has been restricted to \$75M through FY2014-17, with the exception for FY2015. For FY2015 only, funding has been capped to \$262,500,000 until the SECDEF and SECSTATE submit a report on proposed planning and execution of 1206 programs intended to build a foreign country's security forces.);
- continued extension of the termination date (originally was a two-year "pilot" program, but per the FY2014 NDAA is set to expire September 30, 2017);
- and, the level of Congressional oversight is increasing due to concerns regarding program overlap and sustainability of projects initiated under 1206.

The concerns related to modifications to the original section authority, and its subsequent expansion in terms of the DOD's role, are not limited to Section 1206. As subsequent discussions make clear there are similar concerns regarding Sections 1207 and 1208. First, DOD's increasing role in what has been historically a State Department function through Title 22 is the cause for greatest concern by external observers. The specific concern is whether the increased DOD role in security assistance activities means U.S. foreign policy is becoming militarized. Such concern, it should be noted, is not limited to diplomatic circles. For example, in a 2008 speech, the serving Secretary of Defense, Robert Gates, identified this growth in DOD responsibilities as "a creeping 'militarization' of some aspects of America's foreign policy."⁸

A second concern regarding Section 1206 is the sustainability of projects initiated using its authority. Sustainability is threatened in the difficulty of transitioning projects

⁸ Robert Gates, "Secretary of Defense Robert Gates Speech at U.S. Global Leadership Campaign," July 17, 2008, <http://www.africom.mil/Newsroom/Transcript/6258/transcript-us-defense-secretary-gates-warns-again>.

initiated using 1206 funds to permanent funding provided by FMF.⁹ It is unclear whether the intent of this stipulation is to limit the DOD's role in foreign assistance, prevent 1206 projects from overlapping with other foreign assistance programs (such as FMF), or a combination of the two.¹⁰ Because Section 1206 funding is O&M resourced, programs initiated under it cannot be sustained legally more than two years.

O&M funding is typically limited to one year. In the case of Section 1206, however, Congress permitted funds initiated in one fiscal year to be extended into the next fiscal year.¹¹ Even with an additional year, there still is a “short time horizon mak[ing] 1206 programs difficult to implement, given the brief window to plan, budget, and run [sustain] projects.”¹²

Sustainability of any security assistance program is also a function of the partner nation's ability to take and use equipment during a period of time. This ability is referred to as the absorbability of the partner nation. It is typical for less developed countries not to have the forces capable of using the provided equipment that may be a function of cultural norms, low literacy rates, limited training, or the poor quality of personnel. According to a Joint Special Operations University report, “absorptive capacity is directly related to the time and funding required developing the force. This connection [between

⁹ “Recipient countries are to provide follow-on sustainment for any 1206-provided systems. Unless justified by both secretaries of state and defense to Congress, FMFP funding is not to be used for the later sustainment of 1206-provided systems.” The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–8.

¹⁰ Under Secretary of Defense for Policy, “Department of Defense Instruction 5111.19 Section 1206 Global Train-and-Equip Authority” (Department of Defense, July 26, 2011), 2, <http://www.dtic.mil/whs/directives/corres/pdf/511119p.pdf>. DoDI 5111.19 states, “Section 1206 shall be complementary and non-duplicative of the use of other similar DoD train-and-equip authorities, e.g., Coalition Support Funds and the Coalition Readiness Support Program, and non-DoD authorities such as Foreign Military Financing (FMF) and International Military Education and Training (IMET).”

¹¹ Jennifer D. P. Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity* (Santa Monica, Calif.: RAND, 2013), 35–36; Nina Serafino, *Security Assistance Reform: “Section 1206” Background and Issues for Congress* (Congressional Research Service, April 19, 2013), 36, <http://www.fas.org/sgp/crs/natsec/RS22855.pdf>; U.S. Congress, *Duncan Hunter National Defense Authorization Act for Fiscal Year 2009*, Pub. L. No. 110-417, 122 Stat. 4625 (2008)

¹² Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance* (Center for Strategic and International Studies, January 2008), 10, <http://csis.org/files/media/csis/pubs/080118-andrews-integrating21stcentury.pdf>. Although the authors of the CSIS report *Integrating 21st Century Development and Security Assistance* made this statement prior to the FY2009 NDAA two-year modification, two years is still not long enough to consider 1206 a multi-year authority and their comments regarding a compressed planning, budgeting, and sustainment window is arguably still relevant.

providing assistance and a nation's ability to absorb the assistance] became quite apparent in Iraq and more so in Afghanistan as the literacy rate, and the capacity of the society to improve the literacy level, became a factor for those locals aspiring to be soldiers and policemen.”¹³ For example, some countries do not possess a professional non-commissioned officer cadre and others look down upon maintenance or logistics personnel for cultural reasons.

Similar concerns regarding the sustainability of Section 1206-funded programs are found in a 2010 Government Accountability Office's (GAO) report. The authors of GAO Report 10-431, *International Security, DOD and State Need to Improve Sustainment Planning and Monitoring and Evaluation for Section 1206 and 1207 Assistance Programs*, raise questions about the ability of under-developed nations to sustain Section 1206 projects. The authors conclude that, “The long-term impact of Section 1206 projects is at risk, because it is uncertain whether funds will be available to sustain the military capabilities that these projects are intended to build.”¹⁴ The report's authors add another concern about sustainment as it relates to the partner nation's resources and will: “most participating countries have relatively low incomes and may be unwilling or unable to provide the necessary resources [for 1206 project sustainment].”¹⁵

NDAA FY 2012 Section 1207 Global Security Contingency Fund (GSCF) (as amended).

In comparison to Section 1206, Section 1207-GSCF is a more recent authorization and a more ambitious one. The ultimate goal of Section 1207-GSCF is to force interagency cooperation in the realm of security assistance. In brief, the GSCF is a DOD and State Department interagency-pooled fund with the aim “to foster more timely, coherent, and effective U.S. government responses to emerging threats and opportunities and to provide an impetus for improving interagency coordination in security and

¹³ Charles W Ricks, *The Role of the Global SOF Network in a Resource Constrained Environment* (MacDill AFB, FL: Joint Special Operations University Press, 2013), 36.

¹⁴ “International Security: DOD and State Need to Improve Sustainment Planning and Monitoring and Evaluation for Section 1206 and 1207 Assistance Programs,” 28, accessed March 23, 2014, <http://www.gao.gov/products/GAO-10-431>.

¹⁵ “International Security,” 28.

stabilization missions.”¹⁶ The 1207 recipient countries are designated by the SECSTATE, but like Section 1206, that designation requires concurrence of the SECDEF.¹⁷ Section 1207, like 1206, was established as a “pilot” program to fulfill an immediate need.¹⁸ According to the FY2012 NDAA, in which Section 1207-GSCF appeared, the authority is set to expire on September 30, 2015.¹⁹

Aside from fostering interagency cooperation, Section 1207 has two purposes. The first purpose is “to enhance the capabilities of a country’s national military and other national security forces.”²⁰ Increasing military and security forces is intended to strengthen a partner’s internal security as well as increase its ability to participate in operations vital to U.S. interests.²¹ The second purpose of Section 1207-GSCF is the development of a recipient country’s “justice sectors (including law enforcement and prisons), rule of law programs, and stabilization efforts.”²² This second purpose means that the DOD is authorized to train civilian agencies within the governance sector, specifically law enforcement. Since the DOD is often criticized for not having the cultural training or necessary experience in the law enforcement realm, this last purpose should not be overlooked and is explained by assessing historical roles associated with SA.

Prior to Section 1206’s FY2014 NDAA modification, Section 1207 was a novel authority in that it permitted U.S. military personnel to train partner nations’ civilian security forces. This aspect of Section 1207 only fuels concerns about the militarization of U.S. foreign policy. The basis for this concern is that historically, the Department of State has led security sector reform programs. This historical legacy means that the

¹⁶ Nina Serafino, *Global Security Contingency Fund: Summary and Issue Overview* (Congressional Research Service, January 22, 2013), 1, <https://www.fas.org/sgp/crs/row/R42641.pdf>.

¹⁷ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–9.

¹⁸ Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 1.

¹⁹ U.S. Congress, *National Defense Authorization Act of Fiscal Year 2012*, Pub. L. No. 112-81, 125 Stat. 1625 (2011).

²⁰ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–9.

²¹ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–9.

²² The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–9.

Department of State possesses the expertise to dictate and execute certain SA, specifically those activities related to the training of civilians. Some see Section 1207 as the first step in “a gradual erosion of the traditional State Department lead on security assistance.”²³ Permitting the military to train civilians is a serious point of concern with those who think the DOD’s increasing security assistance role negatively affects U.S. foreign policy.²⁴

To offset this concern, the SECSTATE is the designating authority for 1207 recipient countries. The SECDEF merely has to concur with the designation and SECSTATE has final approval authority.²⁵ In a number of interviews conducted by the author with both DOD and State Department security assistance officials, Section 1207 is seen as a State-centric program given the overall authority and approval process.²⁶ Alternatively, those same interviewees largely viewed Section 1206 as DOD-centric with SECDEF leading with concurrence from SECSTATE.²⁷ Perceptions of the interviewees coincide with conclusions of the author of a CRS report, who states: “However, unlike preceding types of assistance [such as Section 1206] where the Secretaries of State and Defense would jointly formulate programs, the Secretary of State formulates these programs [GSCF’s justice sector, rule of law, and stabilization assistance] in *consultation* with the Secretary of Defense.”²⁸ (emphasis in original)

A significant difference between 1206 and 1207 is sustainment of projects initiated under the latter. Section 1206 projects are legally proscribed from transitioning to title programs designated by the Foreign Assistance Act (FAA) or Arms Export

²³ Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 9.

²⁴ Serafino, *Security Assistance Reform: “Section 1206” Background and Issues for Congress*, 19; Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 10–11.

²⁵ See the DSCA SAMM Chapter 15, (para. C15.1.4.10.1), <http://www.samm.dsca.mil/chapter/chapter-15> (accessed January 28, 2014).

²⁶ Interviews with Department of Defense and State Department security assistance officials, Washington, D.C., 24–25 February 2014.

²⁷ Interviews with Department of Defense and State Department security assistance officials, Washington, D.C., 24–25 February 2014. Also, see statement from ASD/SOLIC Michael Lumpkin, where in his statement, he described the importance of Section 1206 to the SECDEF’s BPC capabilities. What is significant is that this SECDEF-centric perception of 1206 is not unique to ASD Lumpkin or the DOD. See, *Statement of Honorable Michael D. Lumpkin, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict*, 2014, 8.; Additionally see Nina Serafino’s *Global Security Contingency Fund: Summary and Issue Overview*, 4. “For Section 1206 programs, the Secretary of Defense is in the lead.”

²⁸ Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 4–5.

Control Act (AECA).²⁹ Examples of FAA and AECA programs are FMF; IMET; Peacekeeping Operations (PKO); International Narcotics Control and Law Enforcement (INCLE); and, Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR).

There are also differences in 1206 and 1207 authorities in the realm of funding. Whereas Section 1206 is limited to a slight expansion of O&M funding, Section 1207-GSCF is able to pull from several funding sources and is a multi-year authority. In order to sustain projects initiated using 1207-GSCF, up to \$50 million per fiscal year is transferrable from INCLE and FMF, in effect making it a multi-year authority.³⁰ In theory, the idea of a pooled fund to generate interagency cooperation sounds ideal, but in reality, the GSCF program has experienced difficulties from the beginning.

GSCF funds were first appropriated in FY2012. As of February 2014, however, no GSCF assistance has been provided to partner nations.³¹ In an interview with the author, a GSCF official attributed the delay in allocated assistance to the program's "newness factor."³² He described the dual key interagency aspect, mentioned earlier, as an effective means of addressing partner nation governance concerns with a whole of government approach. In the same breath, though, the official admitted that the planning and coordination process has been problematic. In all fairness, the first year of implementing Section 1206 was also impeded "with some breakdowns in concurrence procedures" which were improved during the second year.³³ The similarities between Sections 1206 and 1207-GSCF do not end with their initial difficulties. An additional

²⁹ Under Secretary of Defense for Policy, "Department of Defense Instruction 5111.19 Section 1206 Global Train-and-Equip Authority" (Department of Defense, July 26, 2011), 12, <http://www.dtic.mil/whs/directives/corres/pdf/511119p.pdf>. Section 1206 "shall not be used to backfill or overlap with other authorities, including lower priority projects unfunded by FMF, DOD counter-narcotics authorities, cooperative threat reduction authorities, or other partner capacity-building programs."

³⁰ The Defense Institute of Security Assistance Management, *The Management of Security Cooperation*, 1–9.

³¹ Interview with Department of Defense Global Security Contingency Fund program official, Washington, D.C., 24 February 2014. The official estimated distribution of funds within the next several months.

³² Interview with Department of Defense Global Security Contingency Fund program official, Washington, D.C., 24 February 2014.

³³ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, 8–9.

similarity, and one of significant importance, is apparent in an explanation of two perspectives related to Section 1207's purpose.

There are two perspectives related to GSCF's intended overarching purpose, which is to foster interagency cooperation. One perspective is that the GSCF is just a mechanism for the better-funded DOD to transfer funds to the State Department, which ultimately has the authority in deciding the countries that will receive assistance.³⁴ In essence, Section 1207 becomes a workaround for a more daunting problem: the need to address the larger budgetary issues. These issues account for the disparity between military and civilian manpower and resources between the two organizations. The second perspective is that GSCF provides a more flexible collaborative security assistance response and is linked to the second GSCF purpose, permitting military assistance in non-military areas including law enforcement and judicial sectors.³⁵ The reality of the situation is that since Sections 1206 and 1207-GSCF are no longer distinct authorities, then only the first perspective is accurate.³⁶

The irrelevance of the second perspective results from the DOD no longer relying on the State Department to provide the authority to conduct assistance missions in non-military security sectors. Subsequently, GSCF has become a mechanism for a better-funded DOD to transfer some of its fiscal resources to the State Department. The DOD no longer has an incentive institutionally to value a pooled fund. Prior to the FY2014 NDAA modification, the DOD needed 1207-GSCF to train in non-military sectors. With this no longer relevant, there is no compelling reason why would the DOD transfer its funds to the GSCF and be told by the SECSTATE the manner in which its funds should

³⁴ Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 1. As of January 2013 SECSTATE approved Nigeria, Philippines, Bangladesh, Libya, Hungary, Romania, and Slovakia for FY2012 GSCF assistance.

³⁵ Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 1.

³⁶ Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 4. Nina Serafino points out that the "first two purposes - security and counterterrorism training, and coalition support - are nearly identical to those of the Global Train and Equip authority provided by Section 1206...with two exceptions. For Section 1206 programs, the Secretary of Defense is the lead. In addition, Section 1206 may only be used to assist military forces and maritime security forces, not the full range of security forces permitted by Section 1207." Although her last point was relevant in January 2013, it is no longer the case since the FY2014 NDAA modification of Section 1206 now permits the military to "To build the capacity of a foreign country's security forces to conduct counterterrorism operations." Meaning, it no longer makes the distinction between a partner nation's military or its civilian security forces.

be spent. The new 1206 modification allows the DOD to ignore 1207 authorities and removes the additional layers of coordination related to it. In brief, Section 1207-GSCF does not reflect interagency cooperation in reality and therefore, its purposes are no longer distinct from Section 1206. This subsequently may lead the DOD not to be compelled to participate in pooling its funds within one controlled and directed by the Department of State. The probable DOD actions, as a result of Section 1207's lack of effectiveness and distinction, are buttressed by Congressional actions.

Congress continues to support the DOD's increasing role in security assistance. For example, although funds have been transferred to the GSCF (\$23 million was transferred in FY2012 and \$25 million has been requested for FY2014), Congress continues to approve extension dates for the DOD-centric Section 1206.³⁷ This paper asserts that as well as being a redundant authority, for GSCF's initial problems result from a lack of ownership.

As is apparent in subsequent chapters, a lack of clear delineation and ownership within a large bureaucratic framework creates problems and opportunities. They can provide ample room to undermine direction while increasing one's own organizational power.³⁸ When discussions were occurring in Congress on whether or not to establish GSCF in 2011, Gordon Adams and Rebecca Williams co-authored a report for the Stimson Center on security assistance programs. Their report was titled *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*. In it, Adams and Williams predicted the difficulties of enacting a pooled fund, which "would add to the already dispersed portfolio of existing security assistance accounts, further confusing the problems of strategic focus and coordination."³⁹ They recommended against creating a

³⁷ Department of State, "Congressional Budget Justification Volume 2, Foreign Operations," Fiscal Year 2014, 184.

³⁸ "To undermine direction" is considered shirking, which is an economic term from the principal-agent model discussed by Peter Feaver in *Armed Servants, Agency, Oversight, and Civil-Military Relations* (Harvard: Harvard College, 2003). This point is elaborated further in Chapter Six.

³⁹ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 25.

pooled fund, and suggested that the DOD should instead transfer funds to the State Department for implementation with DOD inputs.⁴⁰

Given the recurring renewal of Sections 1206 and 1207, it is apparent that Congress, the Department of Defense, and the State Department consider it is necessary to have two similar special authorities focused on global train and equip programs for counterterrorism. Possible reasons for this consideration are examined in this chapter's analysis section below. For counterterrorism activities, there is one additional temporary authority beyond Sections 1206 and 1207.

NDAA FY 2005 Section 1208 Support of Special Operations to Combat Terrorism (as amended).

Section 1208 is a unique counterterrorism authority in the sense that its focus is operational. This authority is included here as it is often referenced with DOD security assistance authorities. Section 1208 is not considered a train and equip or building partner capacity security assistance authority.⁴¹ Section 1208 provides that “the supported foreign element be engaged in supporting *ongoing operations* by U.S. SOF to combat terrorism; thus, it may not be used for more general security force assistant activities [meaning, those covered by 1206].”⁴² (emphasis added) Specifically, it is a classified special authority that “permits SOF to directly pay and equip foreign forces or groups supporting the [United States] in combating terrorism...help[ing] SOF in the conduct of unconventional warfare, but should also be a crucial tool should they become involved in covert or clandestine operations.”⁴³ In short, Section 1208 provides DOD forces with the ability to fund and sustain proxy forces in a manner similar to the Central Intelligence Agency.

⁴⁰ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 34.

⁴¹ Security Assistance Program Manager, U.S. Special Operations Command, MacDill AFB, FL, to the author, e-mail, 28 January 2014.

⁴² Sheehan, “Letter to the House Committee on Armed Services,” 10.

⁴³ Richard Best and Andrew Feickert, *Special Operations Forces (SOF) and CIA Paramilitary Operations: Issues for Congress* (Congressional Research Service, August 3, 2009), 5, <http://www.fas.org/man/crs/RS22017.pdf>.

The funding for Section 1208 has grown considerably over time. When initially enacted in 2005, Section 1208 was capped at \$25 million. Currently, Section 1208 funding has doubled to \$50 million and is expected to rise. Admiral William McRaven, Commander United States Special Operations Command (USSOCOM), described Section 1208 as “probably the single most important authority we [USSOCOM] have in our fight against terrorism.”⁴⁴ Correspondingly, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, Michael D. Lumpkin, testified before the Senate Armed Services Committee that the Geographic Combatant Commands’ demand for 1208 is “approaching the \$50 million annual authorization cap.”⁴⁵ His expectation is that 1208 will be required beyond its current expiration in FY2015.⁴⁶ Given SOF’s importance to national security and political influence, it will be unsurprising when SOF leaders request an increase in annual funding and an extension of the 1208 authorization date.

The intent of 1208 is to finance unconventional or non-state forces in areas of ongoing U.S. SOF operations. According to a USSOCOM security assistance program manager, “USSOF [U.S. special operations forces] operational commands use USSOCOM funding under 1208 authority to enable and leverage these ‘surrogate’ forces to carry out tasks, generally in denied territory, where their ethnicity, language, natural access and placement, and aptitudes make them much better suited to operate than USSOF.”⁴⁷ Although this may seem as SOF’s version of Section 1206, there are significant distinctions and legal delineations between the two.

Section 1208 does have a 1206-like appearance and subsequently invites criticism that it is a redundant authority. Section 1208 is applied in different situations than 1206. Section 1208 is used in conflict environments requiring U.S. SOF engagements to fund

⁴⁴ Sandra I. Erwin, “In the Game of Strategy, SOCOM Outsmarting Conventional Military,” *National Defense Magazine*, March 18, 2014, <http://www.nationaldefensemagazine.org/blog/Lists/Posts/Post.aspx?ID=1447#UyiTAD7DFNs.twitter>.

⁴⁵ *Statement of Honorable Michael D. Lumpkin, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, Before the Senate Armed Services Comm. Emerging Threats and Capabilities Subcommittee*, 113th Cong. (2014) (statement of Michael Lumpkin), 8.

⁴⁶ *Statement of Honorable Michael D. Lumpkin, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, Before the Senate Armed Services Comm. Emerging Threats and Capabilities Subcommittee*, 113th Cong. (2014) (statement of Michael Lumpkin), 8.

⁴⁷ USSOCOM Security Assistance Program Manager to the author, e-mail.

wages, subsistence, training support, exportable defense articles, transportation, and facilities.⁴⁸ Section 1206, however, is used in areas where combat operations are not ongoing. A possible reason for the confusion may be how 1208 is written in law versus its intended use.

Section 1208 underwent revision and modification in the FY2009 NDAA. Prior to the passing of the FY2009 Duncan Hunter National Defense Authorization Act on October 14, 2008, the House Committee on Armed Services (HASC) authored House Report 5658 (H.R. 5658) dated May 16, 2008. H.R. 5658 states, “The committee [HASC] notes that the activities authorized by this section [1208] are not intended to be used for broader security assistance activities or other traditional foreign military financing authorities, such as those provided under [S]ection 1206.”⁴⁹ Although this statement never made it to the final FY2009 Duncan Hunter NDAA, SOF leaders and 1208 officials follow the HASC H.R. 5658’s directive to not overlap 1208 and 1206. As such, those unfamiliar with H.R. 5658 may be prone to criticizing the two authorities as being redundant.

There is a second criticism relating to Section 1208 and 1206 overlap. According to a DOD official, additional Section 1208 criticism stems from those situations when it appears that the authority is used to circumnavigate the bureaucratic timeline associated with Section 1206.⁵⁰ This same official perceives this criticism as unwarranted and harmful to the DOD’s ability to continue retaining its own security assistance authorities, such as Section 1206.

The acquisition timeline is perhaps the most significant difference between Sections 1206 and 1208. Due to USSOCOM’s streamlined acquisition process, “equipment, supplies, and related training often reach the intended unit within 60 days of request.”⁵¹ Conversely, a DSCA official provided the author with information suggesting

⁴⁸ USSOCOM Security Assistance Program Manager to the author, e-mail.

⁴⁹ House, H.R. Rep. 5658, at 452 (2009) (Comm. On Armed Services)

⁵⁰ Interview with Department of Defense security assistance official, Washington, D.C., 24 February 2014.

⁵¹ Sheehan, “Letter to the House Committee on Armed Services,” 10.

Section 1206's acquisition timeline can take approximately 294 days.⁵² The 294 days is considered a rapid purchase for 1206. This specific 1206 acquisition was for an aircraft for a TSCTP country, something for which Section 1208 would not be used. In sum, the two differ not only in the purpose for which they are used but also how quickly they can acquire material. Although much of the criticism surrounding Section 1208 relates to its functional use, the authority is also the source of a number of legal concerns.

There are two legal concerns associated with Section 1208's perceived blurring of civilian and military authorities. The author purposefully chose the adjective "perceived" as it is unclear whether this is a valid perception or not. Nevertheless, the perception is widespread and warrants consideration. Section 1208 gives the DOD CIA-like covert action authority, permissible to the CIA through Title 50.⁵³ Some perceive this as a blurring between civilian and military lines of delineation.⁵⁴ One legal concern is the possibility of military personnel conducting plausibly deniable operations, which would forfeit their rights to Geneva Convention treatment if detained or captured.⁵⁵ Issues related to this concern range from the lawful use of force, eroding the Law of Armed Conflict (LOAC), and expansion of military forces into paramilitary covert action.

⁵² The approximately 294 days is based on information provided by a DSCA official and was for a non-standard fixed winged platform. Section 1206 is typically used to purchase equipment that is more expensive.

⁵³ Although technically Title 50 does not authorize the CIA to have a paramilitary force, this role has been traditionally seen by the USG as a necessary aspect of the CIA's authorized missions. The 9/11 Commission's report, commonly referred to as the 9/11 Report, recommended that paramilitary operations should be a mission of the DOD. "Recommendation: Lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department. There it should be consolidated with the capabilities for training, direction, and execution of such operations already being developed in the Special Operations Command." (9/11 Report, 415)

⁵⁴ Colonel Kathryn Stone, "All Necessary Means - Employing CIA Operatives in a Warfighting Role Alongside Special Operations Forces" (United States Army War College, July 4, 2003), 4.

⁵⁵ Best and Feickert, *Special Operations Forces (SOF) and CIA Paramilitary Operations: Issues for Congress*, 5. Also see Colonel Stone's All Necessary Means - Employing CIA Operatives in a Warfighting Role Alongside Special Operations Forces, 11: "If the covert military operation was of vital interest to U.S. security but also extremely sensitive, the President would be vulnerable to the unfortunate possibility that one day he might have to choose between abandoning military personnel in the field in order to maintain plausible deniability, or acknowledge the covert activity, with all the second and third order affects attendant thereto. This leads to another issue. The use of formal military force to conduct a covert military operation amounts to an act of war in terms of international law. If such an operation were undertaken and was somehow discovered and publicized, the President would not only lack plausible deniability, but unless he was prepared to punish severely the military personnel involved...the Nation would face *de facto* and *de jure* a condition of war that had not been authorized by Congress."

The second legal concern is the transparency of SOF operations using Section 1208. According to a CRS report, “some maintain” these operations are not “transparent to relevant Members of Congress” since SOF clandestine operations are subject to be briefed to select House and Senate Committees only.⁵⁶ By title, similar CIA activities, labeled “covert action,” must be authorized directly by the President. In addition, Congress must be notified and covert actions reviewed on a recurring basis to ensure their legality. Military operations using Section 1208 authorities fall under U.S.C. Title 10 and are required to be briefed to the House and Senate Armed Services Committees after the fact (within 48 hours).⁵⁷ In other words and what is at the core of the CRS report’s concern is that DOD clandestine activities do not appear to have the same Congressional oversight mechanisms in place as similar CIA activities. These two legal concerns are discussed in brief only as they relate to the scope of this study.

Analysis

Two major themes that emerge from the previous examination of Sections 1206 and 1207-GSCF. The first is that the DOD has been given a greater authority, and a leading role, in providing security assistance to under-developed countries due to its sizeable resources and capacity to manage them. The second theme is that Congress is concerned with potential duplication of effort and the sustainability of projects initiated under 1206. These themes provide the narrative thread that will be drawn throughout the subsequent analysis. It is important to note that although sustainment is an important part of this section, it is developed more fully in the next chapter. This chapter’s analysis answers the same three questions asked in Chapter Three in addition to a fourth question.

⁵⁶ Andrew Feickert and Thomas Livingston, *U.S. Special Operations Forces (SOF): Background and Issues for Congress* (Congressional Research Service, December 3, 2010), 10, http://assets.opencrs.com/rpts/RS21048_20101203.pdf. and Best and Feickert, *Special Operations Forces (SOF) and CIA Paramilitary Operations: Issues for Congress*, 5. Columnist William Safire offers an easily understandable distinction between covert and clandestine actions: “Covert, from the Latin cooperire, ‘to cover,’ means ‘concealed, hidden, under cover, not avowed.’ Clandestine, from the Latin clam, ‘secretly, in private’ (perhaps related to ‘clam up’), has a more deceptive connotation: ‘furtive, crafty, underhanded, presumably illicit.’ He goes to quote a DOD dictionary which suggests the real difference is “concealment of the operation [clandestine] rather than on concealment of the identity of the sponsor [covert].” Safire, “Covert operation, or clandestine?” *New York Times* online edition, (14 February 2005), available online at http://www.nytimes.com/2005/02/13/arts/13iht-saf14.html?_r=0, accessed 9 May 2014.

⁵⁷ U.S. Congress, *National Defense Authorization Act for Fiscal Year 2005*, Pub. L. No. 108-375, 118 Stat. 2086 (2004); U.S. Congress, *National Defense Authorization Act for Fiscal Year 2011*, Pub. L. No. 112-81, 125 Stat. 1621 (2011).

These questions are: Who developed the special authorities? For what purposes were they developed (targeted countries, strategic environment, and the U.S. domestic political environment)? What are the implications of the continuation of the special authorities? Are the special authorities still applicable to the present and anticipated strategic environment?

Before September 11, 2001, the U.S. military did not have the authority to counter urgent threats posed by non-state actors. Adams and Williams' assertion in the Stimson report is that security assistance programs "were developed during the Cold War in the framework of...a *Security* perspective. [emphasis in original] They [programs such as FMF and IMET] were designed to focus specifically on security conditions in the recipient countries and the surrounding region and on *U.S. national security requirements, especially the needs of the U.S. military.*"⁵⁸ [emphasis added] Adams and Williams continue by describing the current need for security assistance that is "rooted in a *Governance* framework," placing focus on the partner nation's interests rather than U.S. national security and military needs.⁵⁹ (emphasis in original) Traditional assistance programs were established for developed rather than under-developed nations' security rather than governance needs.

The special authorities under consideration here—Sections 1206, 1207, and 1208—were initiated during the Bush Administration. All three have continued, in modified form, with the support of the Obama Administration in order to capitalize on DOD resources and manpower. Additionally, the "dual key" nature of Sections 1206 and 1207-GSCF were intended to foster interagency cooperation between the Departments of State and Defense. These security assistance authorities were developed in response to the need to apply a small-footprint force, comprised primarily of SOF, first out of necessity in Afghanistan and later to pursue terrorist threats wherever they exist. Furthermore, these authorities grew out of the needs associated with stability and counterinsurgency operations in Iraq and Afghanistan.

⁵⁸ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 6.

⁵⁹ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 7.

Section 1208 was the first of the three special authorities assigned to the DOD. It was drafted in 2004 to prevent future U.S. military forces having to rely on the CIA to gain access to and fund the operations of proxy forces. Section 1208 has now evolved to be a core SOF legal means to counter terrorism around the world. According to Admiral McRaven, “the [SECDEF]’s authority to support foreign forces, irregular forces, and groups or individuals who support or facilitate ongoing military operations to combat terrorism...remains critical to Special Operations...GCCs’ demand for 1208 authority has increased, and the authority’s utility is recognized as mission essential in winning their [GCC’s] current fight.”⁶⁰ Sections 1206 and 1207 grew out of a different need identified in Afghanistan and Iraq.

The lack of credible or capable security forces in Iraq and Afghanistan highlighted a void un-fillable by traditional title security assistance authorities. This void focused security assistance efforts on two different requirements: security from the recipient’s perspective (Iraq and Afghanistan), but also assistance with partner governance in mind.⁶¹ The DOD, because of its disproportionate resources compared to other U.S. government departments and agencies, was nominated the lead agency to develop Iraqi and Afghan security forces. Historically, the development of governance and infrastructure would be the responsibility of the State Department. The State Department had neither the resources nor the capacity to create these institutions new from the void left by the Coalition Provisional Authority policy of de-Baathification or the complete absence of an Afghan central government.

The traditional title programs were neither responsive enough (DOD could not wait three years) nor tailored for equipping and training security forces from nothing. As the United States began to address other non-state threats outside of Iraq and Afghanistan as part of the overall Global War on Terror, Section 1206 expiration was extended. In addition, its intent was expanded to include maritime forces, minor construction, and civilian security forces. The utility of Section 1206 to bridge gaps between title

⁶⁰ *The Posture Statement of the U.S. Central Command, U.S. Special Operations Command, and U.S. Transportation Command, Before the Comm. on Armed Services, 113th Cong. 8-9 (2013)* (statement of Admiral William McRaven, Commander of United States Special Operations Command).

⁶¹ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 6-7.

authorities led to their application beyond Iraq and Afghanistan. Repeated Congressional extensions of expiration dates, along with increases in funding, account for the expanded DOD's role in foreign policy through the realm of security assistance.

Section 1206 morphed from an agile authority defined for a specific context, Afghanistan and Iraq, into a global train and equip authority. It is no longer constrained to one geographical area but is diffused and therefore difficult to coordinate. The DOD's initial request for Section 1206 was specifically for building partner capacity of Iraq, Afghanistan, and the surrounding region.⁶² The 2006 QDR initially documented the U.S. military's assertion that it needed flexible authority for building partner capacity that the State Department was unable to provide.⁶³ As the DOD began to address other global terrorists threats, its role in security assistance increased.

Other factors account for the expansion of the DOD's security assistance role. A Center for Strategic and International Studies (CSIS) task force identified three trends that account for this expansion. The first is "Urgent operations requirements of the Global War on Terror."⁶⁴ The second is "the relative incapacity of U.S. government civilian agencies."⁶⁵ Third, and last, "a mismatch between authorities and resources within the [E]xecutive Branch."⁶⁶ Additionally, the task force members acknowledged "many shortcomings in the outdated Foreign Assistance Act" and that "over time, Section 1206 authority should be phased out, replaced by a substantial, flexible cross-government contingency fund (notionally within...FMF) to support current 1206 activities."⁶⁷

Section 1207-GSCF may have been created in response to the CSIS task force's findings and recommendations. Since projects initiated under GSCF are permitted to

⁶² Serafino, *Security Assistance Reform: "Section 1206" Background and Issues for Congress*, 33.

⁶³ Nina Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress* (Congressional Research Service, December 9, 2008), 3, <http://www.fas.org/sgp/crs/natsec/RL34639.pdf>.

⁶⁴ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, vii–viii.

⁶⁵ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, vii–viii.

⁶⁶ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, vii–viii.

⁶⁷ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, x and xii.

transition to permanent title programs, the Section 1206 issue of sustainability was theoretically resolved. Furthermore, the CRS report *Global Security Contingency Fund* states, “Because GSCF purposes overlap those of DOD’s ‘Section 1206’ train and equip authority, where Secretary of Defense is in the lead, some analysts view a successful GSCF effort as someday leading to the elimination of Section 1206 and similar authorities.”⁶⁸ For the fiscal year 2012, however, only seven countries were designated to receive GSCF assistance, and of the seven, only two, Nigeria and Libya, are in Africa.⁶⁹ As previously stated, although seven countries have been designated, none of the partner nations have received GSCF assistance as of February 2014.

This thesis now examines possible reasons for having two very similar and what appear to be redundant authorities, a DOD-centric 1206 and a State-centric 1207-GSCF. This paper asserts that Section 1206 is continually renewed for the same reasons the DOD’s authority in security assistance was established. On the surface, these reasons are urgency, resources, and capacity. Below the surface, however, there may be balancing of power posturing occurring within the U.S. government that contributes to the DOD’s increasing role. This balance of power explanation is discussed in detail in the Recommendations and Conclusion.

Although the lack of ownership has been acknowledged as an obstacle to security assistance effectiveness, this study failed to uncover evidence stating why ownership has not been established. Adams and Williams provide insight into this problem, which is rooted in a lacking lead security assistance agency, but they stop short of giving a reason how the situation will change. The authors state “The U.S. has not comprehensively reviewed its overall security assistance strategy and portfolio [of authorities] in several decades, if ever.”⁷⁰ Adams and Williams continue by asserting that the funding disparity between the Departments of State and Defense is a major challenge “that impede[s] a more rationale structure for the U.S. security assistance architecture.”⁷¹ They note that

⁶⁸ Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 10.

⁶⁹ Serafino, *Global Security Contingency Fund: Summary and Issue Overview*, 8.

⁷⁰ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 14.

⁷¹ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 20.

Congress “has not provided its own clear sense of direction for security assistance.”⁷²

This is a significant point made by Adams and Williams since one would think given the substantial amounts of money spent on assistance, there would be a strategy linking the use of resources to desired outcomes.

Congress not only has been unclear in its strategic guidance regarding security assistance, but also inconsistent in its actions. These actions suggest there appears to be two competing entities within Congress, the House and Senate Armed Services Committees versus the Senate Foreign Relations Committee and the House’s Foreign Affairs Committee. The House and Senate Armed Services committees continue to empower the DOD by increasing its role in security assistance.⁷³ The Senate Foreign Relations and the House of Representatives Foreign Affairs committees, however, are concerned with what they perceive as the militarization of foreign policy.⁷⁴ These conflicting actions within Congress are its way of checking the Executive Branch’s power. These points are connected together with theory in the Recommendations and Conclusion chapter.

The Department of Defense is primarily focused on countering urgent operational threats and some of its organizing, specifically the Geographic Combatant Commands, reflect this. The DOD’s regional command structure permits it to plan and respond quickly to urgent threats. Given its organizational structure, the DOD has greater capacity to process and implement assistance projects regionally. The domestic political environment shapes funding for organizations, with DOD funded disproportionately to the State Department as the former provide quicker, measurable results. This is especially true in the realm of security assistance. The benefits of short-term gains with DOD assuming an increased role in security assistance have come at the sacrifice of long-term strategic effectiveness. There are positive and negative implications associated with

⁷² Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 25.

⁷³ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 25.

⁷⁴ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 26.

the DOD's increasing role in security assistance and the short-term gains related to its role.

The question related of whether US short-term or long-term focus is the crux of the security assistance dilemma. The dilemma is this: Should the United States continue with the further militarization of foreign policy, or should it instead reform security assistance and security cooperation to better account for under-developed countries? This study assesses both positive and negative implications related to the military's increased role in this realm.

There are a number positive implications in having DOD assume an increased role in security assistance. They are: military-to-military relationships, responsiveness, and the operational-centric focus of security force assistance missions. The first positive implication, military-to-military relationships, provide valuable connections that promote U.S. values and establish points of contact for possible future U.S. access into vast and remote regions. As discussed in Chapter Two, these regions are sought by VENs due to the host nations' inability to provide governance, security, and development within them. Military-to-military relationships should be viewed as relationships based on mutual reliance rather than exploitation. Many under-developed countries seek U.S. assistance in order to secure borders and reduce the violence associated with internal threats. Similarly, it is in the interest of the United States to promote security and cooperation.

The second positive implication is a function of how the military is organized. The military, specifically Geographic Combatant Commands, are organized and manned to respond quickly to unanticipated threats and unforeseen rapid escalation of threats. Senior DOD leaders understand that the State Department is more experienced in state-building but recognize it cannot occur without sufficient security. Nina Serafino, a CRS researcher who has written extensively on the subject of security assistance, elaborates on this issue. According to her, "DOD officials regard the United States as faced with a strategic imperative to undertake such activities in the new global environment, and the U.S. military as charged with performing them where civilians cannot."⁷⁵ The military's

⁷⁵ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 17. "Defense experts implicitly acknowledged a factual basis for at least some

organizational structure not only provides it with an advantage of speed of response, given its mobility and lift assets, but also in the development of assistance planning.

The DOD is postured, again because of its regional orientation, to synchronize assistance planning in response to unforeseen threats. Serafino adds that, “Some analysts believe that this regional focus combined with a regional field presence allows for better foreign assistance planning, compared with the State Department’s traditional bilateral focus, with foreign assistance planning in each country initiated and overseen by U.S. ambassadors reporting to the Department’s Washington, D.C.-based regional bureaus.”⁷⁶ In brief, the DOD is able to connect tactical and operational responses to strategic guidance as part of a Geographic Combatant Commander’s regional engagement plan.

The third positive implication is that DOD’s operational emphasis towards security assistance provides a counter-balance to Title 22 assistance programs. These programs place more emphasis on maintaining longstanding relationships and the status-quo within the international system. For example, for FY2014, the State Department requested over \$4.8 billion in FMF assistance for the Near East region (incorporating the Middle East and North Africa).⁷⁷ An overwhelming majority of the \$4.8 billion in assistance goes annually to Israel, Jordan, and Egypt to maintain important relationships.⁷⁸ These relationships are critical to sustaining the peace within the Middle East. The \$4.8 billion is exclusive of the \$580 million requested for the governance incentives provided by the Middle East and North Africa Incentive Fund.⁷⁹ Contrasting the \$4.8 billion to the \$15.3 million requested for the rest of the African continent highlights a significant disparity, and funding priorities, within the Department of State.⁸⁰

criticisms of its state-building role by expressly stating in 2005 DOD Directive 3000.05 that civilians would be better suited to accomplish political, social, and economic tasks in many circumstances.”

⁷⁶ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 25.

⁷⁷ Department of State, “Congressional Budget Justification Volume 2, Foreign Operations,” 182.

⁷⁸ Department of State, “Congressional Budget Justification Volume 2, Foreign Operations,” 182.

⁷⁹ Department of State, “Congressional Budget Justification Volume 2, Foreign Operations.” For more information regarding the Middle East and North Africa Incentive Fund and the particular countries it is intended for, see not only the description within the main portion of the CBJ but also read Secretary of State John Kerry’s letter at the beginning of the CBJ.

⁸⁰ Department of State, “Congressional Budget Justification Volume 2, Foreign Operations,” 183.

Moreover, only six of 55 countries within Africa receive FMF and it provides only seven to eight percent of AFRICOM's budget.⁸¹

The example above is reflective of the discrepancy between traditional security assistance programs such as FMF and the special authorities. It also supports the observation at the beginning of this chapter that, "the traditional State Department portfolio of programs reinforces existing strategic relationships, while DOD programs focus on the connection to the operational requirements of U.S. forces in the field and regional Combatant Commands."⁸² Lastly, the disparity between dedicated FMF for Africa and the subsequent reliance on temporary authorities for security assistance brings back the issue of long-term sustainment. Under-developed African countries are unable to sustain equipment and projects determined to be of U.S. interests through FMF or other programs. This leads outside observers to ask: Is the United States sincere in building partner capacity or is it hoping to lower the risk to U.S. and its allies' security through short-term, episodic engagements?

Ironically, the negative implications resulting from the military's increased role in security assistance are a reflection of what the military does well. Serafino provides a number of critiques associated with the DOD's increasing role. The first negative implication she identifies is "the effects on humanitarian activities of non-governmental organizations."⁸³ The second is related to "the implications for foreign policy objectives, including counterterrorism, economic development, and state-building and democracy promotion."⁸⁴ Serafino's final implication is related to "the relative effectiveness of civilian versus military personnel."⁸⁵ Identifying these negative consequences is one thing; solving them is another.

⁸¹ Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 37.

⁸² Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 20.

⁸³ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 19.

⁸⁴ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 19.

⁸⁵ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 19.

The first negative implication related to the military's increased role in security assistance is the military's effects on humanitarian activities of non-governmental organizations (NGO). According to Serafino, this criticism is typically related to an insecure environment more so than permissive environments. She states that, "Military assistance can be viewed as jeopardizing the lives and work of NGO personnel by stigmatizing them as participants in a military effort."⁸⁶ Although, this implication may be valid for the specific case of humanitarian relief, it is not necessarily true for security assistance/cooperation or at least their intent.

Admittedly, the latent power associated with unarmed uniformed military personnel is not always the best resource for humanitarian effort but they are often the most rapid resources available. Additionally, military humanitarian relief requiring large numbers of military personnel is fundamentally different from small-footprint, SOF-centric security assistance missions. Military personnel, including SOF, should and are cognizant of NGO personnel activities. They often work in conjunction or at a minimum, should deconflict with NGO personnel. This explanation does not mean that military personnel and NGOs should not improve relations with NGOs.⁸⁷

The second negative implication is more complicated than the first. Implications related to foreign policy objectives centered on state-building, which encompass counterterrorism, economic development, and democracy promotion, may be perceived negatively within under-developed countries. This implication should be viewed through the interactions of African populations, their militaries, and how the U.S. military relates to both. In the case of counterterrorism, both African populations and governments question the U.S. propensity to deal with terrorism as more of a military matter, including the application of violence, rather than a law enforcement issue.⁸⁸ How the U.S. counters terrorism is not the issue. The real issue is the perception occurring within the nation

⁸⁶ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 19.

⁸⁷ See Major Garrett Dawson's 2014 USAF School of Advanced Air and Space Studies thesis in which the relationship between NGOs and the military is the main subject. His thesis is entitled: "Brokers of Power: Can Bloody Hands and Bleeding Hearts Get Along?"

⁸⁸ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 19.

being supported with U.S. security assistance. This perception agitates underlying distrust between African populations and their militaries and governments.

Distrust of the military is evident in both African populations and civilian government. This perception is understandable given some African militaries have historically acted as muscle for despots and have conducted coups against civilian governments. This perception affects the U.S. military security assistance for African militaries. Other U.S. actions—the perceived invasions of Afghanistan and Iraq and the conduct of targeted killing using remotely piloted vehicles—has not assisted the strategic communications narrative associated with U.S. military security assistance.⁸⁹ Additionally, it is complicated when African populations observe U.S. advisors working alongside African militaries in an environment characterized by distrust. Similarly, there are spillover effects resulting from the distrustful relationships affecting other aspects of state-building, such as economic and democratic development.

There is additional irony in using military resources to bolster African countries' governance and development capacities. Many of the institutions in need of reform are civilian, including the host-nation's economy and ability to govern.⁹⁰ Economic and governance assistance are best improved by civilian agencies such as the State Department and USAID. Put simply, DOD is asking for and receiving an increase in its capacity to conduct security assistance missions, not the state-building ones that many African nations so desperately need.

Security assistance is only one element of state-building and DOD leaders do not dispute the need for increased State Department capability to compliment its security assistance activities. In the opinion of a Special Operations Command Africa (SOCAFRICA) special authorities program manager, the key to the application of a whole of government approach is “ensur[ing] that SA/SFA programs are properly nested

⁸⁹ The subject of contemporary U.S. actions and their relationship to strategic narratives is explained in Emile Simpson, *War from the Ground Up: Twenty-First-Century Combat as Politics*, (New York: Columbia University Press, 2012), 179-226

⁹⁰ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 19. Placing a military face on state-building initiatives, of which security assistance is a pillar, it may “reinforce[e] stereotypes in underdeveloped nations – such as that military forces are more competent than civilians – or legitimize the use of military forces for civilian governmental responsibilities.”

into a greater strategy.”⁹¹ The reality of the situation is that civilian agencies will not receive increased funding and guidance to resolve the disparity between civilian organizations and the DOD until directed to do so by the Congress and the White House.

The third negative implication of military involvement in security assistance suggests that civilians are more effective than the military in state-building. Serafino references two studies asserting that civilians are more qualified than military members in a wider range of state-building tasks.⁹² These studies also claim that military personnel are less risk-averse in comparison to their civilian counterparts.⁹³ While these claims may be true for large-scale humanitarian and state-building operations within U.S.-declared theaters of armed conflict (Iraq and Afghanistan), they may not be the case for operations outside declared theaters of armed conflict (Northern and Western Africa). Moreover, no one, including military leaders, discount civilian expertise in non-security state-building sectors.

The claim made by the two studies that military personnel are risk-averse should neither be applied to operations outside the declared theaters of armed conflict nor to SOF operations. There is a difference between acceptable levels of risk in areas of declared armed conflict versus in areas of non-declared armed conflict. In large-scale conflicts within areas of declared armed conflict, the DOD naturally focuses on security. The aim of SOF-conducted SFA missions, however, is to operate within permissive to semi-permissive environments, leveraging indigenous forces, and preventing conflicts from escalating into situations requiring large troop commitments. These three factors, in particular the leveraging of indigenous forces, minimize the need to accept high political or military risk. Based on Chapter Two’s discussion related to SOF’s force multiplier qualities, SOF are uniquely suited to operate in areas outside of declared armed conflict and therefore are an indispensable SFA enabler.

⁹¹ Security Assistance Program Manager, Special Operations Command Africa, Kelly Barracks, Germany, to the author, e-mail, 11 February 2014.

⁹² Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 20–21.

⁹³ Serafino, *The Department of Defense Role in Foreign Assistance: Background, Major Issues, and Options for Congress*, 20–21.

The assertion related to civilian versus military suitability for security assistance mission loses some validity since civilian and military assistance often use the same resources. In brief, both the DOD and the State Department rely heavily on civilian contractors to conduct security assistance missions. For the DOD, this may change as budgets shrink. As operations in Afghanistan end and USSOCOM's manning level continues to increase, more SOF personnel will be available to conduct BPC missions.⁹⁴ The use of contractors, though, is unlikely to change for the State Department since its manpower remains small in number compared to DOD. This lack of manning, combined with an increase of military personnel conducting operations in non-security sectors, requires changes to civilian capabilities and resources. These changes are necessary to address security challenges in under-developed African states and their vulnerabilities. Specifically, since these vulnerabilities are just as much governance and development issues as they are security ones, civilian expertise will be invaluable. Change in the assistance authority framework might force a rebalancing of resources between civilian agencies and the military, thus improving the effectiveness of both.

One way to rebalance influence in security assistance is to reform the diffuse constellation of security assistance authorities. Until the "patchwork" of authorities is resolved, the DOD will be the organization relied on for urgent security force assistance missions in under-developed countries. Given its comparative size in relation to civilian departments and agencies, the military will continue to expand its assistance role into non-security sectors such as governance and development if not provided with clear, enforceable boundaries. As the Conclusion makes clear, the DOD can be expected to seek expansion of its responsibilities if it determines that civilian organizations, while they may have the expertise, do not have the capacity or the resources to execute assistance missions in under-developed nations. Nevertheless, just because the DOD has the capacity does not mean this is the best strategic approach for the United States. Some

⁹⁴ Sandra I. Erwin, "In the Game of Strategy, SOCOM Outsmarting Conventional Military," *National Defense Magazine*, March 18, 2014, <http://www.nationaldefensemagazine.org/blog/Lists/Posts/Post.aspx?ID=1447#UyiTAD7DFNs.twitter>. "In its 2015 budget request, the Pentagon is calling for reductions of conventional forces but is proposing that special operations forces increase from 67,000 to 69,700."

suggest that a reform of the patchwork of authorities will lead to a more effective and therefore a strategic application of security assistance.

RAND's *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity* is meticulous in describing the dispersal of authorities. For a wide variety of reasons the study's authors conclude the system of security assistance authorities is a "patchwork."⁹⁵ For example, in a RAND-developed database, there are "184 separate legislative authorities that power the 165 Building Partnership Capacity (BPC) programs managed across the various organizations within the U.S. government."⁹⁶ Seventy-one are within Title 10, 39 within Title 22, and 63 of the remaining 74 authorities are not "incorporated into the U.S. Code and reside separately in a variety of public laws" such as the National Defense Authorization Acts (for example, Section 1206, 1207, and 1208).⁹⁷ It is common for a BPC or security assistance project to rely on more than one authority for funding and authority to ensure effectiveness and lawfulness.⁹⁸ The study's authors conclude, "Finding the right authorities to conduct the *appropriate types of activities in the right location* can be challenging. Finding the *authorities with the funding to match* can be even tougher."⁹⁹ (emphasis added)

DOD officials echo the conclusions of the RAND report. Former Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, Michael Sheehan, stated many of these conclusions in his testimony before Congress. His observations are significant not only because of Sheehan's position at the time,¹⁰⁰ but

⁹⁵ Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 28.

⁹⁶ Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 23.

⁹⁷ Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 23–24.

⁹⁸ Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 24.

⁹⁹ Moroney et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity*, 28.

¹⁰⁰ According to the Department of Defense Instruction 5000.68 for Security Force Assistance, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Interdependent Capabilities (ASD(SO/LIC&IC)), in addition to other SFA responsibilities, "shall serve as the principal civilian advisor to the Secretary of Defense and the [Under Secretary of Defense for Policy] for SFA policy, capability development, and operational employment of DOD forces and DOD Components engaged in SFA across all domains. Provide overall policy oversight to DOD SFA capability-development efforts, including the prioritization of those efforts."

also since he connects the problems of the “patchwork” of authorities to their strategic consequences:

To execute overseas missions, Civil Affairs forces must first seek operational approval to deploy, and then separately must secure funding for the mission, often from other organizations such as the United States Agency for International Development (USAID) or the Department of State. The process of matching deployment authorities with funding authorities from a different department is cumbersome and slow, and means that opportunities may be lost in that lag time. Since Civil-Military Operations (CMO) are often funded through the Department of State and USAID, DOD has less control over whether this crucial component of special operations receives the funding required...These inflexible funding sources and lengthy approval processes for the many available authorities can constrain Civil Affairs personnel from adequately countering civic assistance provided by violent extremist organizations. The development of crucial relationships between Civil Affairs forces and partner units or local populations often depends on the Civil Affairs forces’ ability to deliver training and tangible support to those groups...[T]he opportunity to strengthen relationships and optimally impact a unit or populace may be lost.¹⁰¹

The DOD accepted the 2006 Quadrennial Defense Review’s emphasis on BPC, and as a result, has stressed interagency cooperation by providing supporting units to interagency partners. In 2010, then-Secretary of Defense Gates reiterated his support “for a greater emphasis on civilian” BPC programs.¹⁰² Additionally, Admiral McRaven emphasized the importance of indirect approaches to combat terrorism, and in particular, increasing SOF support of its interagency partners.¹⁰³ He views SOF civil-military support units as critical elements in the U.S. long war to counter VENs using indirect approaches. His statement before Congress reflects SOCOM’s reinvigorated emphasis on indirect approaches: “Episodic engagement [through direct action] is inefficient and has the potential to create animosity due to unmet expectations by the governments and

¹⁰¹ Sheehan, “Letter to the House Committee on Armed Services,” 9.

¹⁰² Robert Gates, “Helping Others Defend Themselves: The Future of U.S. Security Assistance,” *Foreign Affairs*, June 2010.

¹⁰³ Paul McLeary, “U.S. State Department, SOCOM Forge Unlikely Partnership,” *Defense News.com*, May 27, 2012, <http://www.defensenews.com/article/20120527/DEFREG02/305270001/U-S-State-Department-SOCOM-Forge-Unlikely-Partnership>. *The Posture Statement of the U.S. Central Command, U.S. Special Operations Command, and U.S. Transportation Command, Before the Senate Comm. on Armed Services, 112th Cong. 6-10 (2012) (statement of Admiral William McRaven, Commander of United States Special Operations Command).*

populations we are trying to support. Over the long-run, these proactive activities [indirect approaches such as security assistance] reduce strategic risk, protect American lives, and reduce the need for expensive response to terrorist attacks.”¹⁰⁴

The DOD’s recognition of the need for civilian expertise and the lack of civilian availability are illustrated through the example of AFRICOM. According to the authors of *Integrating 21st Century Development and Security Assistance*, “Officials within AFRICOM and the DOD recognize that the U.S. military lacks both the mandate and skill sets to accomplish many of these goals [reducing the underlying sources of instability, extremism, and conflict in Africa] by itself. Accordingly, they are keen to ensure that the Command includes heavy representation from other U.S. government agencies, particularly the State Department and USAID.”¹⁰⁵ AFRICOM is a unique Combatant Command, dependent on utilizing interagency resources and specialists, yet its interagency manning positions have been unfilled.¹⁰⁶

The under-manning of interagency positions within AFRICOM persists. In AFRICOM’s 2011 posture statement, the former commander, General Carter Ham, asserted, “We would benefit from increased interagency support from other USG [U.S. government] agencies and departments.”¹⁰⁷ It is clear that, security assistance will continue to be necessary in Africa for the present and future, and will require a whole of government approach in order to be more effective in countering terrorism in the region.

David Kilcullen suggests one possible approach to countering terrorism that includes military assistance. In *The Accidental Guerrilla*, Kilcullen explains that the future terrorist threats will require a strategy that addresses local threats rather than aggregating violent extremist organizations and their sources of support. In aggregating

¹⁰⁴ *The Posture Statement of the U.S. Central Command, U.S. Special Operations Command, and U.S. Transportation Command, Before the Comm. on Armed Services*, 113th Cong. 5 (2013) (statement of Admiral William McRaven, Commander of United States Special Operations Command).

¹⁰⁵ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, 29.

¹⁰⁶ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, 28–32; Steven J. Olson and David A. Anderson, “Building Interagency Capabilities at U.S. Africa Command,” *InterAgency Journal* 2, no. 2 (Summer 2011): 19–20, <http://thesimonscenter.org/wp-content/uploads/2011/08/IAJ-2-2-pg16-23.pdf>.

¹⁰⁷ Carter Ham, *Posture Statement of General Carter F. Ham, USA, Commander*, 2011, 17.

threats together, U.S. responses have relied on direct, kinetic action to counter threats grossly disproportionate to the level of threat they presented. Kilcullen proposes disaggregating violent extremist organizations from each other and in particular, from the central al-Qaeda leaders and movement, the United States, its allies, and its partners can defeat terrorist threats through a more effective combination of strategic disruption and military assistance: an indirect approach.¹⁰⁸ Disaggregation allows regional threats to be resolved through local solutions, best solved by regional forces and not the United States. This is the “by, with, and through” indirect approach suggested by Gates and McRaven. In order for local forces to resolve regional matters, they require the training and material assistance provided by the special authorities and the expertise of SOF. The use of local forces can and should lead to more enduring, locally-acceptable solutions.

Aggregation of terrorist threat is not just a function of how the United States view them but also the manner in which groups align against the United States and its partners. For example, “the presence of U.S. and other Western military forces in many countries serves as a polarizing magnet – often times attracting people we don’t want to engage (e.g., violent extremists) while repelling those we do (e.g., local authorities and non-governmental organizations).”¹⁰⁹ Using small footprint, force multipliers such as SOF can help prevent the aggregation of hostile organizations against the United States and its partners by minimizing the obvious, and potentially delegitimizing, presence of large numbers of U.S. military personnel. This will permit partners to address disenfranchised groups of people through negotiation and improvements related to governance, security, and development rather than through direct approaches associated with the use of violence. Preventing the aggregation of disenfranchised groups with violent extremist should ensure a more selective use of force, and as a last resort instead of a first response.

¹⁰⁸ David Kilcullen, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One* (New York: Oxford University Press, 2011), 15 and 288–89. Kilcullen defines disaggregation as: “cutting the links between AQ [al-Qaeda] central leadership and among its local and regional allies and supporters, may be more successful than policies that lump all threats into the single undifferentiated category of ‘terrorists.’” (15) Kilcullen categorizes disruption as: “aims to keep today’s enemy groups off balance, prevent the emergence of new terrorist threats, disrupt *takfiri* safe havens, and defeat enemy propaganda.” (288)

¹⁰⁹ “What Does ‘Small Footprint’ Really Mean?,” *War on the Rocks*, accessed March 17, 2014, <http://warontherocks.com/2014/03/what-does-small-footprint-really-mean/>.

Disruption is the additional element of Kilcullen's approach to counter VENs requiring the selective use of force. As for the urgent threats that pose a direct threat to the United States, strategic disruption using force will be necessary. The same does not apply to terrorist groups in Northern and Western Africa. In the worst-case scenarios, where the United States was either unaware or too slow to react to VEN activities, strategic disruption will be required to garner the time required for training local forces.

Kilcullen's combination of strategic disruption and military assistance aligns with recent changes in the Executive Branch's policy regarding the use of force outside the areas of active hostilities. President Barack Obama has expressed the U.S. preference for capturing rather than killing terrorists. He asserted that: "The policy of the United States is not to use lethal force when it is feasible to capture a terrorist suspect...capture operations are conducted...only when the operation can be conducted in accordance with all applicable law and consistent with our obligations to other sovereign states."¹¹⁰ For many under-developed governments in Africa struggling to maintain legitimacy, the presence of a large number of U.S. troops or lethal force routinely employed from U.S. aircraft undermines their fragile domestic support. Therefore, security force assistance used to train local forces may be the most strategically effective means for the United States and partner nations to defeat VENs.

Although some would argue that the standard narrative for U.S. policy highlights its shortsightedness and impatience, security assistance has been successful in a number of instances historically. Moreover, these examples of success combined aspects of disruption and assistance as part of their approach. Current SFA missions in Colombia and the Philippines are examples of long-term, relatively small footprint missions dedicated towards enhancing partner nation capacities to counter internal threats with

¹¹⁰ "Fact Sheet: U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities | The White House," accessed January 30, 2014, <http://www.whitehouse.gov/the-press-office/2013/05/23/fact-sheet-us-policy-standards-and-procedures-use-force-counterterrorism>.

spillover consequences that affected regional stability. The authorities for Colombian and Filipino security assistance have been deliberate, expensive, and time-consuming.¹¹¹

Plan Colombia is an example of such an approach to security assistance. The Plan is the deliberate, joint U.S. and Colombian effort to counter the drug trade and bring stability to Colombia, which began in 2000. The solutions applied towards Colombia consist of civilian assistance in the governance and development sectors as well as military assistance in the security sector. Plan Colombia relied on deliberate and tailored U.S. policy spanning three U.S. Presidential administrations and has cost an estimated \$8 billion (as of July 2012) in U.S. assistance alone.¹¹² Many suggest the Plan, and support it provided beleaguered Colombian governments, helped save the country from becoming a failed state. If past SFA missions have taught anything, it is that they are not effective if part of an ad-hoc or patchwork set of authorities with unclear objectives. Additionally, long-term SFA missions are expensive and time-consuming. As the Conclusion suggests, reforming security assistance authorities, in conjunction with dedicating the adequate resources towards the State Department to enact these reforms, will facilitate in resolving the blurred lines of authority delineation. Resolving the current blurred lines of delineation between civilian and military security assistance will result in more successful examples such as the ongoing missions in Colombia and the Philippines.

Few would argue against the military role having a role in security assistance. Military approaches to security assistance/cooperation, however, are only one element of a greater whole of government approach. As the next chapter makes clear, there are obstacles to applying an effective whole of government approach towards terrorism in the Trans-Sahara region.

¹¹¹ Michael S Sheehan, *The Honorable Michael A. Sheehan, Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict, on Building Partner Capacity for 21st Century Challenges, Before the Committee on Armed Services U.S. House of Representatives*, 9, accessed December 23, 2013, <http://docs.house.gov/meetings/AS/AS00/20130214/100260/HRG-113-AS00-Wstate-SheehanM-20130214.pdf>. In the case of the Philippines, "[i]t is also worth noting that our security force assistance programs with the Armed Forces of the Philippines [AFP] over the last several years [since 2002] have enabled those forces to conduct effective domestic counterterrorism operations and to contribute to regional maritime security...The Government of the Philippines recognizes the importance of these investments and is now sustaining its newly acquired capabilities through national funds/Foreign Military Financing (FMF) Foreign Military Sales (FMS) programs."

¹¹² Michael Shifter, *Plan Colombia: A Retrospective* (Inter-American Dialogue, July 26, 2012), <http://www.thedialogue.org/page.cfm?pageID=32&pubID=3046&s=plan%20colombia>.

Chapter 5

Trans-Sahara Counterterrorism Partnership

TSCTP holds promise as a relatively coherent policy response to the transnational terrorist challenge in a vulnerable region of Africa. Realizing its potential, however, will require overcoming current strategic, institutional, and resource shortfalls. Rather than a truly strategic effort directed from Washington, TSCTP has emerged from improvised interagency collaborations in the field on CT issues...[T]o date the programs funded under its rubric have been a collection of initiatives cobbled together from various accounts, with little consideration of their strategic integration, sustainability, and long-term developmental impacts.¹

The Trans-Sahara Counterterrorism Partnership (TSCTP) provides an example for assessing security assistance authorities based on the factors established in the previous chapters. The first factor is that U.S. strategic guidance has determined Africa and in particular, Trans-Sahara Africa, as being critical to U.S., its allies' and its partners' interests. Put simply, TSCTP operates within a region identified as critical to the current and anticipated strategic environment. A second factor, which makes TSCTP an intriguing example, is the patchwork of authorities required to resource it. TSCTP not only is funded from annually allocated State Department funds, but additionally pulls from other various authorities as well. In keeping with the format, this chapter asks similar questions as those of the previous two chapters. What is TSCTP's origin? For what purposes was it created? What are the implications of TSCTP? Has it been effective: why or why not? The answers reveal that what is in theory a whole of government approach encounters significant friction in practice. These sources of friction are rooted in differing organizational interpretations of the best response and subsequently operate according to distinct and opposing methods.

¹ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance* (Center for Strategic and International Studies, January 2008), 3, <http://csis.org/files/media/csis/pubs/080118-andrews-integrating21stcentury.pdf>.

Origin

TSCTP began as an expansion of the Pan-Sahel Initiative (PSI). PSI was initiated in 2003 and resourced with \$6.25 million with a focus on securing the borders of four countries by training indigenous forces in countering arms smuggling, drug trafficking, and the cross border movement of terrorist organizations.² Originally named the Trans-Sahara Counterterrorism Initiative, TSCTP was established in 2004 and grew from the original PSI countries to also incorporate five others.³ A steady rise in multi-year funding started at \$16 million a year, grew to \$30 million a year in 2006, and stabilized at \$100 million a year by 2011.⁴ The total amount spent on TSCTP is estimated at more than \$1 billion since 2005.⁵ This increase in funding reflected the growth in the number of countries, expansion of the organization's missions, and the inclusion of additional U.S. government agencies.

Purpose

The intent of TSCTP is to utilize a whole of government approach to build partnerships with ten North and West African countries: Mauritania, Mali, Chad, Burkina Faso, Niger, Nigeria, Senegal, Morocco, Algeria, and Tunisia. TSCTP missions focus on counterterrorism, democratic governance, and military assistance to strengthen the region's security and prevent it from becoming a terrorist safe haven.⁶

TSCTP missions are conducted by multiple agencies ranging from primary members to supporting agencies. The State Department, the U.S. Agency for International Aid (USAID), and the Department of Defense are the primary U.S. government agencies. The State Department is the overall lead TSCTP agency.⁷ The

² United States Africa Command, "Trans Sahara Counter Terrorism Partnership Factsheet," accessed March 19, 2014, www.africom.mil/Doc/7432; "DefenseLINK News: New Counterterrorism Initiative to Focus on Saharan Africa," accessed March 22, 2014, http://web.archive.org/web/20070115212856/http://www.defenselink.mil/news/May2005/20050516_1126.html.

³ "DefenseLINK News: New Counterterrorism Initiative to Focus on Saharan Africa."

⁴ F. Bray Bray, "The Trans-Sahara Counterterrorism Partnership: Strategy and Institutional Friction" (U.S. Army War College, March 22, 2011), 7–8.

⁵ Christopher S. Chivvis and Andrew Liepmann, "North Africa's Menace," Product Page, 2013, http://www.rand.org/pubs/research_reports/RR415.html.

⁶ United States Africa Command, "Trans Sahara Counter Terrorism Partnership Factsheet."

⁷ United States Africa Command, "Trans Sahara Counter Terrorism Partnership Factsheet."

Department of Treasury and the Federal Bureau of Investigation are two of the supporting agencies.⁸ U.S. Africa Command is the lead organization for the DOD's military assistance mission in support of TSCTP: Operation Enduring Freedom-Trans Sahara (OEF-TS).

Domestic and Strategic Environments

After September 11, 2001, the United States government adopted a preventive policy that sought to reduce terrorist safe havens around the globe, to include Africa. The initial moderate successes of PSI contributed to the broadening of and increased resources for TSCTP. TSCTP evolved as a whole of government initiative to address root causes of terrorism related to governance, security, and development. Members of participating organizations recognized that a counterterrorism strategy focused on the use of force would not be adequate or appropriate for Africa. Therefore, they created a tailored strategy working on building partner capacity necessary to place persistent pressure on violent extremist networks and terrorist groups. Additionally, the increases to partner nation capacity are intended to have an enduring, stabilizing effect on the region.

The intent of TSCTP is to apply a tailored approach towards the unique problems of Trans-Sahara Africa. This tailored approach aligns with Kilcullen's disaggregation strategy discussed in the previous chapter. The leveraging of host nation forces capable of undertaking internal and regional security issues due to their inherent sensitivity and awareness of cultural norms is critical for this disaggregation strategy to succeed. U.S. reliance on indigenous forces was additionally influenced by the fact that U.S. civilian and military organizations' capacities were overextended given their commitments in Iraq and Afghanistan. As TSCTP expands, it becomes increasingly controversial.

The controversy surrounding TSCTP reflects an ongoing U.S. domestic debate regarding its policy to counter terrorism and foster stability in Africa. The so-called "Debate in Washington" reflects arguments questioning whether a defense or

⁸ United States Africa Command, "Trans Sahara Counter Terrorism Partnership Factsheet."

development approach is best for African stability.⁹ The defense approach is centered on DOD towards improving security. The development approach, on the other hand, is centered on the State Department addressing issues affecting stability. Although TSCTP was established as a whole of government, it is perceived by many critics as too focused on security.

DOD's size, resources, and method of operations may be sources for the perception that TSCTP is too security focused. For instance, if the often-quoted counterinsurgency ratio of Sir Gerald Templer is correct—that counterinsurgency is 20 percent military and 80 percent political—then TSCTP may be too reliant on security.¹⁰ Participants at a 2006 TSCTP conference expressed that “CT [counterterrorism] effort should be 80 percent ‘development’ and only 20 percent ‘defense,’ in practice the reverse was still the case.”¹¹ This sentiment is likewise reflected in TSCTP's funding. For FY2012, the State Department and USAID funding totaled \$52 million combined, whereas, the DOD's funding for OEF-TS (Operation Juniper Shield, OEF-TS' new name) is estimated to be \$46 million.¹² TSCTP's security funding is almost on par with development funding.

Basic comparisons of gross indicators such as funding cannot be taken as definitive evidence. Although the argument that TSCTP is too security-centric may be true, it overlooks a key aspect of the relationship between security and stability. Noted American military and civilian advisor John Paul Vann made a crucial observation about their relationship during the Vietnam War. In Vann's estimation, “Security may be 10 percent of the problem, or it may be 90 percent, but whichever it is, it's the first 10 percent or the first 90 percent. Without security nothing else will last.”¹³ His broader point is that the actions and resources should be tailored to fit the unique requirements of

⁹ George H. Rasmussen, ed., *U.S. Counter Terrorism Efforts in Africa* (Hauppauge, N.Y. : Lancaster: Nova Science ; Gazelle [distributor], 2009), 2.

¹⁰ Emile Simpson, *War from the Ground up: Twenty-First Century Combat as Politics* (New York, NY: Oxford University Press, 2013), 149.

¹¹ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, 4.

¹² Alexis Arieff, *Crisis in Mali* (Congressional Research Service, January 14, 2013), 16, <https://www.fas.org/sgp/crs/row/R42664.pdf>.

¹³ Simpson, *War from the Ground up*, 149. The definitive work on John Paul Vann remains Neil Sheehan, *A Bright Shining Lie: John Paul Vann and America in Vietnam* (New York: Vintage, 1989).

the situation. Many military and civilian professionals familiar with Africa agree that governance and development are critical to countering terrorism since the populations, which support violent groups, typically do so out of necessity rather than choice or ideology. The standard narrative echoed by both military and civilian leaders about counterterrorism—“we cannot kill our way out” of this complex problem—defines what should guide the approach. Despite having a non-kinetic and interagency approach, TSCTP has received criticism since its inception.

Critics questioned the U.S. rationale for action in the region before TSCTP began. The first critiques occurred two years after the establishment of the Trans-Sahara Counter-Terrorism Initiative (TSCTI). Analysts from the Finnish Institute of International Affairs (FIIA) suggested that TSCTI was the result of competitiveness among the Combatant Commands, which “must prove their worth in the war on terrorism through being active.”¹⁴ The authors of this report, Archer and Popovic, argued that the Geographic Combatant Command (GCC) responsible at the time for the majority of Africa, U.S. European Command (EUCOM), “consistently overplayed the threat of al-Qaeda-related terrorism in the Sahara to justify its importance to the ‘Global War on Terrorism.’”¹⁵ EUCOM received funding for TSCTI and then passed responsibility for TSCTP to AFRICOM when it was established in 2008.

AFRICOM’s creation, and its role in TSCTP, has been viewed by some as the securitization of Africa. Just as NDAA security assistance authorities are seen as increasing the DOD’s role in foreign policy, TSCTP has been criticized for “focusing on military assistance to the detriment of other types of U.S. engagement...a ‘militarization of U.S. policy’...[and] a misbalancing of U.S. resources.”¹⁶ TSCTP has been under critical examination since its inception. After almost a decade of existence, the criticism continues as a result of the expansion of Al Qaeda in the Islamic Maghreb’s (AQIM) power and control in the wake of the 2012 Malian coup, which caused some to further question TSCTP’s effectiveness.

¹⁴ Toby Archer and Tihomir Popovic, *The Trans-Saharan Counter-Terrorism Initiative the US War on Terrorism in Northwest Africa* (Helsinki: Finnish Institute of International Affairs, 2007), 9.

¹⁵ Archer and Popovic, *The Trans-Saharan Counter-Terrorism Initiative the US War on Terrorism in Northwest Africa*, 58–59.

¹⁶ Arieff, *Crisis in Mali*, 16.

Implications

U.S. security assistance investments in Trans-Sahara Africa have several implications. The first is the increasingly widening gap between the southern populations (haves) and the northern populations (have-nots) of several partnership countries aggravated by the presence of U.S. forces. The second implication is popular backlash against the strategic narratives of U.S. and partner nations, which had led disenfranchised populations to connect with violent extremist organizations. The third implication is the development of a recipient's dependency on the United States rather than building enduring capacities to manage stability issues. These implications have led to obstacles that impair both U.S. and its partners' abilities to stabilize the Trans-Saharan region.

The first implication, between the haves and have-nots, is affected by Trans-Sahara's geography and distribution of natural resources. This combination generates an environmental and a social divide. The divide exists between northern populations characterized by poverty and lack of resources and the rich southern populations characterized by vast amounts of natural resources and relative wealth. This divide, or gap, is widened by U.S. support for the central governments located in the southern provinces away from the fringes of the Sahara Desert.

As a result, U.S. support plays into the disenfranchisement narrative popular in the north. For example, the southern provinces in Nigeria are urbanized and rich with revenues from oil reserves. The north, however, has been devastated by drought and decades of neglect by the southern centralized government. As described in Chapter Four, the triangular relationship comprised of a fearful population, a local military with a checkered past, and the influences of a third party, the U.S. military, creates a situation giving the appearance of the haves suppressing the have-nots. In certain cases, U.S. support is perceived as Christians suppressing Muslims.

This north-south divide is not exclusive to Nigeria, but is also representative of social, economic, and political factors across the region. Speaking to the Senate Subcommittee on African Affairs in November 2009, social scientist David Gutelius described the paradoxical relationship between well-intended U.S. Trans-Sahara

assistance and the associated social, political, and economic costs. According to Gutelius, “In Mali and Niger, PSI money and programs [continued under TSCTP] acted to widen the perceived gulfs between north and south, as well as between northern nomadic and sedentary populations.”¹⁷ His Senate testimony described how U.S. assistance has politicized the disenfranchised gap, since assistance is perceived by the northern populations as remaining under the control of the southern regimes. Gutelius’ statements are noteworthy as they provide a non-governmental perspective, relying on first-hand observations and discussions with locals and non-government organizations.¹⁸

The relationship between U.S. assistance and its related costs creates a paradox: the U.S. is in Trans-Sahara as an attempt to bring stability and security, but its assistance increases the strength of the central governments, which are either ineffective or disinterested in governing the north. This paradox unintentionally widens the gap between the haves and the have-nots and contributes to the appeal of narratives used by violent extremist groups. This paradoxical relationship relates to David Kilcullen’s concept of the “accidental guerrilla,” in which locals fight U.S. and partner forces because “we are in his space, not because he wishes to invade ours.”¹⁹ Hence, a sizeable U.S. military presence can act as a magnetic force drawing in local entities.

The second implication of TSCTP, or any U.S. activity in Trans-Sahara, is the polarizing compounded by U.S. military presence of uniting together local populations who would not normally work with each other. It gives various violent organizations—criminal, jihadist, and separatist—a common cause and a common enemy. This polarizing aspect of U.S. activities in the region compels many who would not participate in such activities to take action for ideological or financial reasons. Both Gutelius and the authors of the Finnish TSCTI report assert that because the United States has made AQIM and other violent organizations a priority, the groups have become a priority

¹⁷ *Examining U.S. Counterterrorism Priorities and Strategy Across Africa’s Sahel Region, Before the Subcomm. On African Affairs, Comm. On Foreign Relations*, 111th Cong. 37 (2009) (statement of David Gutelius).

¹⁸ *Examining U.S. Counterterrorism Priorities and Strategy Across Africa’s Sahel Region, Before the Subcomm. On African Affairs, Comm. On Foreign Relations*, 111th Cong. 38 (2009) (statement of David Gutelius).

¹⁹ David Kilcullen, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One* (New York: Oxford University Press, 2011), xiv; “What Does ‘Small Footprint’ Really Mean?” *War on the Rocks*, accessed March 17, 2014, <http://warontherocks.com/2014/03/what-does-small-footprint-really-mean/>.

regardless of their significance as a threat. The authors of the Finnish report go so far as to describe the situation as a “self-fulfilling prophecy.”²⁰ Differing views of the threats in the Trans-Saharan region contribute, in large part, to interagency friction as subsequent sections of this chapter show.

The example of Mali’s Tuareg population provides an illustration of this polarizing effect. For the Tuaregs, who are perceived as the northern “brown” tribal population, the U.S.-backed southern “blacks” are the “masters” who control Malian wealth and resources. The Tuaregs view the southern population as the primary obstacle to their sovereignty.²¹

The Islamic, yet secular Tuaregs have long been marginalized, neglected, and abused by the western supported southern regime. The Tuaregs have used violence to back their separatist desires historically. The point here is that the Tuaregs are a national separatist group, with long-standing ethnic and territorial grievances, not violent Islamic extremists seeking a regional or global caliphate.²² Viewed objectively, it is entirely understandable that a disenfranchised population such as the Tuaregs would ally with an opportunistic violent organization such as AQIM to take advantage of the coup in Mali to carve out their own territory. Opportunities for groups to align and connect together, similar to the Malian coup, may be avoided if grievances are addressed early.

TSCTP is an example of the inability for U.S. policy to persuade a partner nation to address such grievances, including decades of neglect of populations. This neglect has resulted in a polarizing force, leading to the aggregation of violent groups that flourish in instability. Aggregating a “multi-actor environment,” which in the Malian coup situation brought a “constellation of factors” built around political, social, and economic issues, is what TSCTP and AFRICOM were designed to prevent.²³

²⁰ Archer and Popovic, *The Trans-Saharan Counter-Terrorism Initiative the US War on Terrorism in Northwest Africa*, 59.

²¹ Douglas Livermore, “The Case for Azawad,” *African Security Review* 22, no. 4 (2013): 285–87, doi:10.1080/10246029.2013.839100.

²² Livermore, “The Case for Azawad.”

²³ Caitriona Dowd and Clionadh Raleigh, “The Myth of Global Islamic Terrorism and Local Conflict in Mali and the Sahel,” *African Affairs*, May 29, 2013, 507, doi:10.1093/afraf/adt039.

TSCTP was intended to be a tailored approach to terrorism, yet may be rendered ineffective due to its unintentional aggregation of a range of threats in the region. According to a Royal African Society article, western policymakers are failing to understand “the nature of this threat [which] is highly varied: groups are structurally, politically, and empirically different, and each is located within discrete national contexts and struggles.”²⁴ The authors assert that, “in aggregating such a broad range of groups into a single, homogeneous threat [AQIM], we fail to engage with the more fundamental crises of governance in which such groups emerge, and unwittingly support strategic efforts to obscure these issues through the construction of an all-encompassing [a]l-Qaeda amalgam.”²⁵

The third implication of TSCTP, which is a reflection of security assistance programs, is the development of the recipient’s dependency on U.S. assistance and consequently their inability to sustain stability initiatives over the long term. The traditional Title 22 authorities discussed in Chapter Three are ill-suited for underdeveloped countries and high-risk states. Additionally, the temporary NDAA authorities discussed in Chapter Four provide short-term fixes, as they are prohibited legally from sustaining progress beyond the two-year window.

Security force assistance missions focused on “doing something,” rather than implementing programs that develop a partner’s long-term capacity to counter internal and regional threats, is shortsighted at best. In the worst case, such missions can create a shift in power that sparks political unrest, which historically in Africa results in military coups.²⁶ According to James Roberts, the transfer limitations or lack of multi-year funding associated with the temporary authorities, combined with the failure to assess

²⁴ Dowd and Raleigh, “The Myth of Global Islamic Terrorism and Local Conflict in Mali and the Sahel,” 508.

²⁵ Dowd and Raleigh, “The Myth of Global Islamic Terrorism and Local Conflict in Mali and the Sahel,” 509.

²⁶ Arieff, *Crisis in Mali*, 16. “Mali is the third TSCTP focus country to undergo a military coup since 2008 (after Mauritania and Niger); these coups have caused disruptions in U.S. engagement and have led some to question TSCTP’s effectiveness in promoting stability and civilian control of the armed forces.”

partner sustainment, has led to a shortsighted strategy misaligned with the U.S. desired end state.²⁷

This view of sustainment of security assistance programs is not limited to one individual. During an interview by the author with an official from the Office of the Under Secretary of Defense for Policy Partnership and Strategy, the difficulty of performing accurate and quantifiable assessments was the focus of discussion.²⁸ In addition, the Government Accounting Office concluded that, “the long-term viability of Section 1206 projects is threatened by” partner nations’ unwillingness or inability to sustain projects, in addition to the legal and policy issues of using FMF to sustain 1206 projects.²⁹

The need to “do something” results in the failure to correctly assess whether a partner nation can absorb and whether its personnel can sustain the equipment the U.S. provides. This is especially true if some equipment will only last two to three years after delivery. According to the U.S. strategic guidance, and the examples of successful SFA missions discussed in the previous chapters, addressing the underlying grievances necessary to defeat violent extremism will require a deliberate, expensive, and long-enduring effort.

To achieve enduring effects, partner nations must be able to sustain the capabilities provided. Assistance should use a strategic lens that takes into account our partners’ abilities to absorb and sustain assistance if the United States intends to maintain persistent pressure on violent organizations. Sustainment issues are often addressed through the clever cobbling together of numerous authorities, which involves too many entities to be effective. Maneuvering among and around the interagency bureaucracies that requires the cobbling of a patchwork of security assistance authorities is a strategic behavior. A patchwork of authorities is inefficient, often initiated based on flawed

²⁷ James Q. Roberts, “Building the Capabilities and Capacity of Partners: Is This Defense Business?,” *Prism* 4, no. 2 (2013): 67–75.

²⁸ Interview with an Office of the Under Secretary of Defense for Policy, Partnership Policy and Strategy official, Washington D.C., 25 February 2014.

²⁹ “International Security: DOD and State Need to Improve Sustainment Planning and Monitoring and Evaluation for Section 1206 and 1207 Assistance Programs,” accessed March 23, 2014, <http://www.gao.gov/products/GAO-10-431>. Quote is from the “What GAO Found” section of the report.

assessments, and done without multiyear authorities in place to sustain programs within vulnerable, under-developed countries.³⁰

Such inefficiency exists within TSCTP. TSCTP cobbles a patchwork of security assistance and humanitarian funding across numerous U.S.C. titles and authorities including PKO, NADR, and NDAA authorities to train and equip partner nations.³¹ AFRICOM's TSCTP mission, OEF-TS, uses NDAA authorities extensively alongside dedicated TSCTP funds. From FY2006 to FY2009, just over \$50 million in Section 1206 funding was allotted to nine of the ten TSCTP countries (excluding Burkina Faso, which was not a member of TSCTP during this period).³²

Questions can and should be asked about the efficiency of TSCTP since over \$50 million of Section 1206 assistance was spent in only three years and given this amount will increase in the near future. Such questions include: Is the U.S. strategy shortsighted since the majority of the TSCTP countries are unable to sustain the equipment and train to a level required to counter regional VENs? What is preventing TSCTP from being successful as a whole of government approach?

Why is TSCTP ineffective?

Despite its intent to foster cooperation, TSCTP's ineffectiveness is attributed to interagency shortfalls and amounts to interagency rhetoric. A GAO report asserts several factors contribute to this, including the lack of interagency collaboration and funding. These factors hamper the ability of TSCTP organizations to work together and contribute to its ineffectiveness.³³ The report's first finding summarizes a broader reason: the lack of a comprehensive strategy for TSCTP, which results in the involved agencies remaining stove-piped and focused on their interests.³⁴ The report asserts that the agencies remain

³⁰ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, 3.

³¹ Department of State, "Congressional Budget Justification Volume 2, Foreign Operations," Fiscal Year 2014, 177–79; Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, 3; "International Security," 53–54.

³² "International Security," 53–54.

³³ "Combating Terrorism: Actions Needed to Enhance Implementation of Trans-Sahara Counterterrorism Partnership," accessed March 25, 2014, <http://www.gao.gov/products/GAO-08-860>.

³⁴ "Combating Terrorism," 3.

“focused on their respective missions and do not comprise an integrated strategy addressing TSCTP activities in all nine [now ten] countries.”³⁵

A CSIS report’s findings align with those of the GAO report. It identified “strategic, institutional, and resource shortfalls” as significant challenges to TSCTP’s success.³⁶ The report does note that any TSCTP successes are attributed to bottom-up efforts and “is strongly dependent on individual personalities” to overcome institutional parochialism.³⁷ TSCTP is a reflection of the security assistance system as a whole, where any success is attributed to the efforts of individuals. Security assistance cannot rely on individual personalities to be effective. Instead, codification is necessary to account for when these productive and knowledgeable individuals are not present.

Although on paper the State Department is the overall TSCTP lead agency, it does not control all of the finances and it is inadequately manned to assume leadership of the program. The DOD, however, has sufficient funding and manning, and is quickly gaining the necessary authority. The DOD will therefore perform the functions it does best, the planning and execution of operations. It will continue to do this whether it is the lead agency or not, and therefore legal restrictions may be required to keep DOD within its specified roles. In a speech to policymakers and diplomatic leaders, Gates described that the military can be the “800 pound gorilla,”³⁸ meaning DOD’s size and resources can overwhelm the capabilities of other agencies.

The lack of ownership within TSCTP is a reflection of the entire security assistance system. In the same speech, former Secretary Gates described how this lack of ownership and presences of parallel authorities could be resolved. He explained, “But that scenario [800-pound gorilla] can be avoided if as is the case with the intelligence

³⁵ “Combating Terrorism,” 4.

³⁶ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, 3.

³⁷ Stewart Patrick, James Schear, and Mark Wong, *Integrating 21st Century Development and Security Assistance*, 3–4.

³⁸ Robert Gates, “Secretary of Defense Robert Gates Speech at U.S. Global Leadership Campaign,” July 17, 2008, <http://www.africom.mil/Newsroom/Transcript/6258/transcript-us-defense-secretary-gates-warns-against>. Former Secretary Gates was describing his experience as a career CIA officer and having to deal with the military's size with respect to the intelligence community. He used the analogy of an 800-pound gorilla to express his understanding that the military's size can seem overwhelming whether it be in the intelligence or foreign policy field.

community today there is the right leadership, adequate funding of civilian agencies, effective coordination on the ground, and a clear understanding of the authorities, roles, and understandings of military versus civilian efforts, and how they fit, or in some cases don't fit, together.”³⁹ Possessing an understanding of the consequences related to a lack of leadership, even if one exists on paper, results in an increased awareness for the environment in which TSCTP and the temporary authorities are being implemented. By not sufficiently defining boundaries within the authorities and in interagency relationships, policymakers have created maneuver room for organizations to comply with the letter of the law but undermine its spirit.

Some critics point to the 2012 Malian coup led by an IMET-trained officer as proof that TSCTP is a failure. In fairness, two-thirds of a country the size of Texas was under the control of radical Islamic fundamentalist groups and other actors, requiring external intervention. Intervention was required even though millions in security assistance over more than a decade was provided to Mali as part of and in addition to TSCTP. To make matters worse, the United States has focused on countering terrorism in the Sahel beginning with the PSI in 2003, yet Mali is the third TSCTP country to experience a coup since 2008.⁴⁰

A June 2013 GAO weekly document from the acting assistant Inspector General illustrates there may still be concerns regarding TSCTP's effectiveness. GAO was tasked by the Chairman of the Senate Committee on Foreign Relations to “identify key factors that affect U.S. ability to achieve TSCTP goals and describe efforts to mitigate challenges, if any.”⁴¹ TSCTP ineffectiveness is symptomatic of problems within the security assistance system and the internal issues of the U.S. government.

TSCTP's ineffectiveness is indicative of the power brokering within the U.S. government. The “Debate in Washington” highlights a dilemma within the U.S. government: is defense or development more effective in countering terrorism by fostering stability in under-developed countries. Is this a matter of two different

³⁹ Gates, “Secretary of Defense Robert Gates Speech at U.S. Global Leadership Campaign.”

⁴⁰ Arieff, *Crisis in Mali*, 16.

⁴¹ Brett A. Mansfield, “Government Accountability Office (GAO) Weekly Activity Report for June 14, 2013,” June 27, 2013, <http://www.dodig.mil/gao/reports/GAOWAR06-14-13.pdf>.

approaches to address the same issue, or is the source of friction interagency parochialism characterized by power balancing? As a whole of government approach consisting of security and development initiatives is necessary by all organizations involved in TSCTP, friction caused by interagency parochialism is perhaps the most compelling reason why the program is ineffective.

The core of the security versus development dilemma is not a false choice between development or defense. Rather, the problem starts because the two major organizations charged with security assistance, the DOD and the State Department, view the nature of the situation in fundamentally different ways based on their respective institutional cultures. More importantly, the DOD and the State Department view the nature of threats through different lenses. Since they view the threats differently, the DOD and the State Department will prioritize and manage the elements of time and risk according to their perceptions. The two violent organizations, AQIM and Boko Haram, are examples of why categorization is critical. Categorizing these organizations as local versus international, or criminal versus terrorist, has led to vastly different methods to counter them.

In the case of threats within Africa's Trans-Sahara region, conflicting perceptions between the DOD and Department of State date back to 2002. An example of conflicting perceptions is the case of the GSPC, the predecessor to AQIM, and one of its leaders—an Algerian named Mokhtar Belmokhtar.⁴² According to one report, there was joint U.S. and French intelligence collaborating Belmokhtar to al-Qaeda.⁴³ Additionally, these same intelligence reports asserted that he was arming a northern Malian tribe known as the Kunta Arabs.⁴⁴ The report's authors claim that EUCOM leadership wanted to strike Belmokhtar, but this request did not receive the necessary support from the U.S. Embassy in Mali. Embassy officials either did not believe the intelligence or feel it was adequate to justify a strike. As a result, the U.S. Ambassador to Mali, Vicki Huddleston, vetoed

⁴² Archer and Popovic, *The Trans-Saharan Counter-Terrorism Initiative the US War on Terrorism in Northwest Africa*, 18–19.

⁴³ Archer and Popovic, *The Trans-Saharan Counter-Terrorism Initiative the US War on Terrorism in Northwest Africa*, 19.

⁴⁴ Archer and Popovic, *The Trans-Saharan Counter-Terrorism Initiative the US War on Terrorism in Northwest Africa*, 18–19.

EUCOM's plan to strike Belmokhtar.⁴⁵ This incident pitting the DOD against the State Department would come back to haunt Mali, the region, and the U.S.-led TSCTP.

In 2012, the one-eyed Belmokhtar was still alive but now a leader of AQIM. He seized the opportunity provided by the coup in Mali to occupy over two-thirds of the country. This dangerous and experienced terrorist “publicly predicted that his forces would soon control all of Mali.”⁴⁶ Ironically, the former Ambassador to Mali who prevented EUCOM's efforts to eliminate Belmokhtar in 2002, Huddleston, was active as the Deputy Assistant Secretary of Defense for African Affairs in fostering TSCTP's interagency cooperation.⁴⁷ Disagreements continue on the threat posed by AQIM to the region despite its initial successes in Mali.

Nigeria's Boko Haram provides another example of fundamentally different DOD and the Department of State view of threats to the region. Until November 2013, the State Department viewed Boko Haram as a local threat to Nigeria. This view contrasted DOD leadership's suggestion that Boko Haram was a terrorist organization, connected to AQIM and Somalia's al-Shabaab, which posed a threat to U.S. interests and those of its partners.⁴⁸ While DOD leadership did not use the term “terrorist” to categorize Boko Haram, they repeatedly linked Boko Haram to terrorist organizations. DOD leaders did not use the term terrorist when describing Boko Haram as DOD cannot designate a group as a terrorist organization. Rather, this responsibility resides with the Department of State. The debate on which organizations should be able to designate groups as terrorist was publicly displayed during a Congressional hearing.⁴⁹

⁴⁵ Archer and Popovic, *The Trans-Saharan Counter-Terrorism Initiative the US War on Terrorism in Northwest Africa*, 18–19; Yochi Dreazen, “The New Terrorist Training Ground,” *The Atlantic*, September 18, 2013, 64–67, <http://www.theatlantic.com/magazine/archive/2013/10/the-new-terrorist-training-ground/309446/>.

⁴⁶ Dreazen, “The New Terrorist Training Ground,” 64–65.

⁴⁷ Bray, “The Trans-Sahara Counterterrorism Partnership: Strategy and Institutional Friction,” 10.

⁴⁸ Lauren Ploch, *Nigeria: Current Issues and U.S. Policy* (Congressional Research Service, April 24, 2013), 13–14, <https://www.fas.org/sgp/crs/row/RL33964.pdf>.

⁴⁹ Penny Starr, “State Dep't Official Defends Decision Not to Designate Boko Haram a Terrorist Organization--Then Calls It ‘Terrorist Organization,’” *CNS News*, August 20, 2013, <http://cnsnews.com/news/article/state-dep-t-official-defends-decision-not-designate-boko-haram-terrorist-organization>.

During a Congressional hearing in July 2012, U.S. Assistant Secretary of State for African Affairs, Johnnie Carson, was skeptical whether Boko Haram should be designated a terrorist organization. His skepticism was based on the notion that officially designating Boko Haram as a terrorist organization would embolden the group and increase its brand name.⁵⁰ A year prior, the AFRICOM commander, General Ham, briefed that there was intelligence linking Boko Haram with two established terrorist organizations, AQIM and al-Shabaab.⁵¹ Although General Ham did not use the term “terrorist” to describe Boko Haram, the implication of his briefing was clear: for all intents and purposes, DOD and AFRICOM were treating the group as a terrorist organization.

Different perspectives on the scope and scale of the threat result in different solutions. DOD perceives threats within the Trans-Sahara region as urgent terrorist threats, requiring immediate assistance and action. State Department assistance provided through Title 22 requires three years to implement, and DOD view this as too slow. Therefore, the DOD continues to request extensions and increases to the special authorities to provide immediate assistance and take action. State Department officials view DOD actions as an encroachment on its role as lead agency in foreign policy and nothing less than the militarization of foreign policy. This view forms the basis of common criticism of the 1200-series authorities, AFRICOM, and TSCTP.

Though there are valid concerns related to increasing the DOD’s role in security assistance, the State Department uses similar methods that raise related concerns. For example, and a point made by a DOD official in an interview with the author is that the State Department will often use peacekeeping funds to provide military equipment and pay the salaries of foreign soldiers.⁵² In essence, the State Department typically approaches security assistance for urgent situations in a manner closely resembling that of the military. The ongoing operations in and around Somalia are an example of

⁵⁰ Caitlin Poling, “U.S. Congress and Boko Haram,” *The Foreign Policy Initiative*, October 23, 2013, <http://www.foreignpolicyi.org/content/us-congress-and-boko-haram>.

⁵¹ “Boko Haram Has Links With Al-Qaeda, Says U.S. General,” *The Nation*, August 18, 2011, <http://www.thenationonline.net/2011/index.php/news/16365-boko-haram-has-links-with-al-qaeda-says-us-general.html>.

⁵² Interview with a Department of Defense official with the author, Washington, D.C., 25 February 2014.

methods used by State Department to take actions and achieve immediate aims.⁵³ The essential point is that neither the State Department nor DOD's methods to counter terrorism address the underlying grievances that foment the recruitment of individuals and the aggregation of violent extremist groups.

Unpacking one of the conflicting perceptions with respect to how the DOD and the State Department view threats provides a lens for assessing why TSCTP and security assistance as a whole is strategically shortsighted. This one lens, however, does not help in understanding how an organization, TSCTP, and a major aspect in U.S. foreign policy, security assistance, can be made more effective. How to achieve a meaningful whole of government approach to counter terrorism, using security assistance, is the subject of the Recommendations and Conclusion chapter.



⁵³ Natalie Chwalisz, "United States Peacekeeping Operations (PKO) Assistance in Somalia," accessed May 4, 2014, <http://www.securityassistance.org/content/united-states-peacekeeping-operations-pko-assistance-somalia>. This article asserts that a recent report describing U.S. support for the African Union Mission in Somalia (AMISOM) and the Somali National Security Services "shows that over the past seven years, over 75 percent of PKO [peacekeeping operations] assistance to Somalia has supported AMISOM troops." Additionally, the article claims that "a number of Somalia analysts have expressed concern with the U.S. focus on military solutions to the Somalia conflict and have urged a shift 'away from short-term, military-led counterterrorism strategies in the Horn [of Africa] and instead shift to a longer-term frame for countering radicalization from the bottom up.'"

Chapter 6

Recommendations and Conclusion

West Point's motto, "Duty, Honor, Country," had been instilled in me as a cadet. But now I was hearing something different. It sounded like "Turf, Power, Service." These dedicated patriots and most of their predecessors over four decades honestly believed in the canard "What's good for my service is good for the country."¹

- Prologue to *Victory on the Potomac, the Goldwater-Nichols Act Unifies the Pentagon*

*To be clear, we read of senior officers stating that a given problem cannot be solved militarily, and they are of course correct – and are recognizing the change in paradigm. But it is one thing to recognize change and quite another to act on it – and such action is not yet apparent. **Until this need for a deep change to our institutional thought patterns and structures is understood and acted upon, there can be no real transformation – neither in our forces nor in the way we expect them to attain the results we seek. In short, our military forces, and the force they apply, will lack utility.***² (emphasis added)

Improvements are necessary to make security assistance authorities effective. As the preceding chapters suggest, the organizations responsible for executing those authorities have cultures unreceptive to change through innovation unless two conditions are met: either they are forced to change from outside or leaders within organizations believe it in their institutional self-interest to change. Innovation requires organizations to reflect honestly and critically on whether their actions reflect organizational self-interest or do they place a premium in solving or effectively addressing the problem for which they have been given the authorities. The author does not question the integrity, professionalism, or dedication of the individuals involved in security assistance. Rather, I make the claim that individuals within the organizations charged with security

¹ James R. Locher, *Victory on the Potomac: The Goldwater-Nichols Act Unifies the Pentagon*, 1st ed, Texas A & M University Military History Series 79 (College Station: Texas A & M University Press, 2002), 10.

² Rupert Smith, *The Utility of Force: The Art of War in the Modern World*, 1st Vintage Books ed (New York: Vintage Books, 2008), 375.

assistance missions may be acting in patterns reflective of parochial, organizational behavior without even knowing it.

The preceding chapters identified the following problem: security force assistance missions lack strategic effectiveness. They are strategically shortsighted since traditional title programs are not effective in responding to irregular threats in the current or anticipated strategic environments. This subsequently leads to the militarization of foreign policy through the creation and perpetuation of a patchwork of temporary authorities empowering the DOD. The primary audience for this thesis are special operations forces given that the patchwork of authorities are critical elements to the indirect approaches SOF will utilize in countering violent extremism in under-developed countries. The conclusions of the analysis of title programs assessed in Chapter Three and security force assistance programs in Chapter Four can be summarized for operators in the following way:

- permanent title programs are not effective for under-developed countries and the temporary authorities increase the military's role in policy that infringes on civilian agencies' traditional functions;
- there are valid consequences associated with an increase in the military's role in security assistance;
- and, under-developed countries are unable to sustain assistance provided by temporary authorities.

Temporary authorities which were the subject of Chapter Four are inherently strategically shortsighted, as they are cumbersome, in some cases difficult to distinguish between, and evolve in scope and mandate frequently hindering interagency or whole of government attempts to oversee and implement them. This assertion is based on the assumption that in order to counter terrorism, underlying grievances that foster terrorism associated with governance, security, and development issues must be addressed. Thus, countering terrorism with an ineffective whole of government approach is shortsighted since the means used are stove-piped and not integrated with the best possible outcomes short-term. An additional critical assumption is that for security force assistance missions to be strategically sound, they must be sustainable and lead to achievable, long-term outcomes. In sum, the present means or the authorities do not match the ends of

U.S. policy: partners capable of countering internal threats by containing them with minimal effects to stability.

TSCTP, the subject of Chapter Five, served as an example of how title programs and temporary authorities are implemented in Northern and Western Africa. This example suggested that although TSCTP was established to apply a whole of government approach to the problem of regional terrorist threats, the program is plagued by organizational friction that obstructs TSCTP from being more effective. This friction is not unique to TSCTP, but is indicative of security assistance as a whole. Therefore, it is imperative to develop solutions to address the sources of friction and increase security assistance effectiveness.

The analysis in Chapter Five suggests the major source of friction within TSCTP resides at the strategic levels of government and not the operational and tactical levels. For example, bottom-up cooperation happens daily in the field and within embassies and COCOMs, who are working around the bureaucracies facilitating security assistance. This “cobbl[ing] together [of] authorities, programs, and funding to give regional effect” needs to be made easier if a whole of government approach is to be effective at addressing underlying grievances which empower VENS.³

What follows is a brief review and assessment that uses different analytic lenses to arrive at recommendations to improve the effectiveness of security force assistance missions. To accomplish this, the author recommends reforming security force assistance authorities and clearly delineating organizational lines of authority. The level of analysis has to be elevated beyond analysts’ findings and recommendations to be able to have strategic implications. The goal of elevating the level of analysis is to understand why security assistance is ineffective from a theoretical perspective and what theory suggests needs to fix it. The application of theory provides a means to widen the scope of

³ Jennifer Moroney, et al., *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity* (Santa Monica, Calif.: RAND, 2013), 38.

examination and elevate the analysis to the strategic level. Although theories do not always accurately depict reality, they do “perform several very useful functions.”⁴

According to Harold R. Winton’s article, *An Imperfect Jewel: Military Theory and the Military Profession*, theories perform five functions. Winton establishes that theory “performs several very useful functions when it defines, categorizes, explains, connects, and anticipates.”⁵ Introducing theory into the discussion of security assistance yields insight in the following way: assist to explain why organizations behave the way they do; define and categorize terms to describe organizational behavior; connect the subject of security assistance with other larger issues occurring within the U.S. government; and, anticipate what will be necessary for the situation to improve. A single theory, however, is rarely an all-encompassing reflection of reality.⁶ Thus, in this case, several theories and principles are combined to discern what may be occurring. Using the lenses of organizational and balance of power theories, in conjunction with a term used in the principal-agent model, serve this purpose. Additionally, the author also summarizes a brief discussion of aids for policy change for policymakers and operators to better understand what is necessary for change to occur.

The first theory here explains aspects of organizational behavior. Graham Allison and Philip Zelickow’s *Essence of Decision* is a foundational work of organizational theory. Their Organization Behavior Model (Model II) in particular frames organizations and their actors as organizational machines focused on regular patterns of behavior or outputs.⁷ In the case of security assistance, the organizations involved focus on what they do best as the subsequent discussion makes clear.

The DOD is designed to meet operational military requirements, whereas, the State Department is in the business of diplomacy. These are two very different and necessary functions. The DOD focuses on planning and executing operations. Additionally, military members are keen to identify situations when objectives are not

⁴ Harold R. Winton, “An Imperfect Jewel: Military Theory and the Military Profession,” *Journal of Strategic Studies* 34, no. 6 (December 19, 2011): 857.

⁵ Winton, “An Imperfect Jewel: Military Theory and the Military Profession,” 857.

⁶ Winton, “An Imperfect Jewel: Military Theory and the Military Profession,” 856–57.

⁷ Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis*, 2nd ed (New York: Longman, 1999), 5.

being met and will take immediate action to fill those gaps. For example, security assistance within under-developed countries has many gaps and shortcomings within non-security sectors unaddressed by their counterpart civilian organizations. Thus, the DOD has sought and received authority from Congress to train members within these sectors. The State Department, however, focuses on preserving strategic relationships critical to maintaining the international order and the U.S. position within it. Aside from Peacekeeping Operations, the State Department is deliberate, slower, and methodical in its activities than the DOD.⁸ The DOD's organizational advantages to counter present and anticipated threats immediately continues to empower it with greater authority, while the State Department continues to lose prestige and consequently its responsibilities to conduct security assistance missions are eroding. Although organizational theory is useful in understanding what an organization will do relative to itself, it does not suggest how organizations will act relative to other organizations. For this, an additional theory is useful.

Kenneth Waltz's *Theory of International Politics* provides for a theory of balance of power within a framework. Waltz's framework is predicated on the idea that states are actors but his ideas can be applied to other relationships. Balance of power theory can be applied towards security assistance by providing insight into the relationship between the DOD and the State Department. Balance of power theory characterizes actors as competitive in nature within a "self-help system."⁹ A self-help system is based on actors who are focused on self-preservation and increasing their power relative to other actors. Actors who fail to act in this manner will "fall by the wayside."¹⁰ Balance of power theory assumes actors "at a minimum, seek their own preservation and, at a maximum, drive for universal domination."¹¹

⁸ Peacekeeping Operations (PKO) authorities are broad and responsive State Department authorities. Per the DSCA's SAMM, PKO authorities are intended for two purposes. One purpose is to provide regional assistance to partners as determined by the President. PKO's second purpose is to carry out programs that further U.S. national security interests. For further information regarding PKO, see DSCA's SAMM at <http://www.samm.dsca.mil/chapter/chapter-15#C15.1>.

⁹ Kenneth N Waltz, *Theory of International Politics* (Long Grove, Ill.: Waveland Press, 2010), 118–19.

¹⁰ Waltz, *Theory of International Politics*, 118.

¹¹ Waltz, *Theory of International Politics*, 118.

In this case, universal domination is a bit of an overreach. Balance of power theory, however, suggests that both the DOD and the State Department seek to become more relevant and increase their power through greater funding and missions provided by security assistance authorities. DOD or State can only increase their own power at their competitor's expense. Put simply, power gain or loss is perceived as a relative power gain or loss and can be viewed as power checking a competitor. Power checking is not exclusive to the DOD and the State Department, but also occurs in security force assistance authorities within Congress.¹²

The following explanation discusses the competition within Congress that affects security assistance and the relationship between the Departments of Defense and State. The Senate and House Armed Services Committees and the Foreign Relations/Foreign Affairs Committees continue to check each other. Members of the first pair of Committees continue to increase the DOD's role in security assistance. Members of the latter Committees, however, are concerned with the expansion of the DOD's authority.¹³ Congress is not the only one permitting the continued DOD and State Department power checking to occur. As discussed in Chapter Four, the Executive Branch has also failed to provide *adequate* guidance for U.S. security assistance.¹⁴

Until recently, the Executive Branch has failed to direct the Department of State to draft a National Security Assistance Strategy. According to the Security Assistance Act of 2001, the Department of State is responsible for providing a report every five years, which would "provide a country-by-country foreign policy guidance to a function that may tend otherwise to operate on the basis more of military or bureaucratic

¹² Gordon Adams and Rebecca Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities* (Stimson Center, March 2011), 25–26.

¹³ For more information regarding the Senate Committee on Foreign Relations' concerns regarding the DOD's increasing role in security assistance, see The U.S. Senate Committee on Foreign Relations report, "Embassies as Command Posts in the Anti-terror Campaign" (109th Congress, 2006) and Thomas Livingston's CRS report, "Building the Capacity of Partner States Through Security Force Assistance" (Congressional Research Service, 2011), 52-54.

¹⁴ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 8, 14, 21, 35–36.

concerns.”¹⁵ The Executive Branch can and should hold the State Department accountable for producing this important strategy document.

Additionally, this document is intended to link U.S. assistance with U.S. national strategy. Section 501 of the 2001 Security Assistance Act states, “Rather than allowing *bureaucratic inertia to become a substitute for policy*, the State Department must develop a National Security Assistance Strategy that integrates the FMF, EDA [transfers of Excess Defense Articles] and IMET programs ... This will bring greater coherence...and ensure that they achieve maximum benefits for U.S. foreign policy.”¹⁶ (emphasis added) It should be noted that the author received correspondence stating that the Departments of State and Defense are currently working together to draft a National Security Assistance Strategy.¹⁷ It can be assumed that the DOD authorities provided by the NDAAs, which did not exist in 2001, will be included in this document alongside FMF, EDA, and IMET. Although it has been more than a decade since the Security Assistance Act of 2001 directed the drafting of this document, it is a significant step towards linking security assistance with national security. It is a step that even when directed, however, has taken far too much time to produce.

The example of the National Security Assistance Strategy demonstrates that unless forced to change, the DOD and the State Department will continue to power check each other. This will result in the perpetuation of a stagnate situation between them and the long-term renewal and modification of short-term, “temporary” security assistance authorities. If security assistance remains stagnant due to Congress, State, and DOD’s power checking, a whole of government approach will continue to be disconnected and ad hoc in nature. An innovative approach will be required to move beyond an astrategic behavior and ad hoc measures.

Barry Posen provides insides on how innovation occurs within militaries. His military innovation theory uses the organizational and balance of power theories

¹⁵ *Security Assistance Act of 2001*, S.R. 107-122, 107th Cong. (2001). <http://www.gpo.gov/fdsys/pkg/CRPT-107srpt122/html/CRPT-107srpt122.htm>

¹⁶ *Security Assistance Act of 2001*, S.R. 107-122, 107th Cong. (2001).

¹⁷ Security Assistance policy official, The Office of the Secretary of Defense, Washington D.C., to the author, e-mail, 28 April 2014.

introduced about as elements of its methodology. Posen points out military organizations do not innovate when they feel secure, but rather require the stimuli of insecurity to do so in peacetime.¹⁸ Accordingly, military organizations equate insecurity, whether from an external threat (an enemy, a competing service, or civilian policymakers) or internal threat (from tribes within its organization), with instability.

Another theory on organizational modeling, by Gareth Morgan, provides insights that pair well with Posen's notions. Combining aspects of Posen and Morgan's models highlights that organizations, including militaries, value stability and predictability, and therefore, are resistant to change due to uncertainties associated with costs and mistakes.¹⁹ Posen identifies three factors that cause militaries to innovate: failure, pressure from external forces, and the expansion to gain power.²⁰ These elements of Posen and Morgan's theories can be abstracted and applied to the three key actors involved in security assistance: the State Department, DOD, and Congress. In the case of security assistance authorities, the State Department and DOD's costs are the loss of resources and the legal empowerment provided through Congressional legislation.

The origin of the temporary security assistance authorities illustrates elements of Posen's theory. In this case, there was a catalyst, there were failures, there was an external force, and there was an increase to the military's power due to the expansion of the temporary security assistance authorities. September 11, 2001 provided the catalyst which forced DOD to accept innovative concepts championed by then-Secretary of Defense, Donald Rumsfeld. Prior to September 11, DOD was hesitant to accept Rumsfeld's call for innovations in order to become a leaner and more responsive organization. Using the catalyst of September 11, 2001, Rumsfeld pushed for increased legislative authority to empower SOF. The result was Section 1208.

Subsequent failures in stability and counterinsurgency operations in Afghanistan and Iraq from 2003 to 2006 provided the catalyst for additional authorities. Training

¹⁸ Barry Posen, *The Sources of Military Doctrine: France, Britain, and Germany between the World Wars* (Ithaca: Cornell University Press, 1984), 78–79.

¹⁹ Posen, *The Sources of Military Doctrine*, 46; Gareth Morgan, *Images of Organization*, Updated ed (Thousand Oaks: Sage Publications, 2006), 281–85.

²⁰ Posen, *The Sources of Military Doctrine*, 47.

Iraqi and Afghan security forces caused Congress to innovate and establish Section 1206 although training and equipping was traditionally controlled by the State Department. The original intent behind the temporary security assistance authorities was expanded beyond Iraq and Afghanistan as part of the Global War on Terrorism. This has subsequently resulted in the military's increased role in security assistance.

Reflection reveals that innovation was required immediately after September 11, 2001, and necessary during the counterinsurgency phases of Afghanistan and Iraq. This same innovation has now resulted in stagnation and will remain stagnate unless forced to change. Paradoxically, innovation is inherently destructive in nature. In the process of creating new systems, it destroys previous innovations as well as organizational inertia or the mentality of "that's the way we have always done it."²¹ This thesis suggests that security assistance innovation is long overdue since the present way of conducting SA cannot and should not continue as "we have always done it" as it does not adequately addresses the security challenges of the current strategic environment.

Much like the pre-September 11, 2001 military, neither the State Department nor the DOD will change their relative power positions related to security assistance unless forced by an external entity. Congress should be the agent of change rather than continue to provide an arena for the State Department and the DOD to play out their power checking and bidding for resources. Congress has the responsibility to ensure that interagency cooperation at the strategic level is safeguarded by reforming security assistance authorities. Both the Departments of State and Defense are organizationally content to preserve the status quo and will potentially use delaying tactics to ensure it remains that way.

A delaying tactic that both the DOD and the State Department may employ to ensure the status is known as "shirking." Shirking is an economic term associated with the principal-agent model of civil-military relations. Peter Feaver, in *Armed Servants*, applies shirking to characterize the behavior of military leaders when they do not wish to conform with civilian leadership direction. One of three methods Feaver asserts military

²¹ Morgan, *Images of Organization*, 284–85.

members will covertly undermine civilian leadership, or shirk, is by “slow rolling” or “through bureaucratic foot-dragging.”²² Although Feaver uses shirking within the context of civil-military relations to describe only military actions, both the DOD and the State Department may already be guilty of shirking.

Shirking possibly explains DOD and the State Department’s organizational behavior as it relates to the implementation of Section 1207-Global Security Contingency Fund (GSCF) discussed in Chapter Four. As of February 2014, the DOD and the State Department continue to struggle to codify the implementation process for GSCF. On the surface, DOD has demonstrated good faith by transferring funds. Likewise, the State Department has designated several countries to receive assistance. Both organizations, however, may be dragging their feet when it comes to codifying the coordination process. By doing so, each maintains its relative power and the situation remains stagnant. It will continue to languish until an external force creates lines of delineation to differentiate between parallel authorities.

To fully address the three main conclusions identified above, Congress should reform security assistance so that the temporary authorities are consolidated under the permanent authorities. Put simply, not all temporary authorities should remain temporary. This will assist in removing some of the interagency friction by codifying authorities, in turn creating a formalized process for security assistance professionals to coordinate, request, process, implement, and transition assistance.

There is room for authorities that maintain current relationships, as well as those required to address urgent threats. Traditional title programs exist to maintain strategic partnerships and the international order. The intent of the temporary authorities is to address the operational threats posed by the current and anticipated strategic environments, which are the concerns of Combatant Commanders and Ambassadors. Using a patchwork of authorities, however, is not the answer to address urgent threats.

²² Peter Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge, Mass.; London: Harvard University Press, 2005), 68.

A stable and more effective balance of power between the State Department and the DOD will exist if the patchwork of authorities is codified in a revamped system. A way to increase stability and rebalance power is to develop a clear line of delineation that redefines and re-establishes roles. One set of authorities will continue traditional relationships and another set of authorities will foster new partnerships. These new partnerships with under-developed countries will be built on trust, be predictable, and be designed to address the present and anticipated strategic environments. Both sets of authorities should be placed under the same leadership. That leadership should be sourced by a better-manned and -resourced State Department. Similarly, other agencies require additional resources to increase the authorities' effectiveness.

Reforming the legislation without resourcing the Defense Security Cooperation Agency (DSCA) to adequately handle the reformation of the authorities will be a half-measured approach. In essence, this is what occurred when the temporary authorities were created. New authorities were created without increasing the manpower to process requests resulting from the new authorities.²³ The temporary authorities were seen by members of Congress as just that, temporary, and they have yet to be viewed differently by the organizations involved or partner nations.²⁴ As a result, DSCA had to process 1200-series requests with the same manning. It consequently resorted to using less responsive, FMS-centric processes. As for partner nations, temporary authorities do not foster partnerships built by trust but can be perceived as one-way or selfish transactions concerned only with U.S. interests.

As a result of the preceding discussion, this study makes three recommendations which are:

- to integrate the temporary authorities within the permanent title authorities under the State Department;
- resourcing DSCA so it has the capacity to handle and develop new ways to process 1200-series-type requests;

²³ Nina Serafino, *Security Assistance Reform: "Section 1206" Background and Issues for Congress* (Congressional Research Service, April 19, 2013), 13, <http://www.fas.org/sgp/crs/natsec/RS22855.pdf>.

²⁴ Note, during an interview with the author, a DSCA official discussed that improvements have been made over the past several years. He, however, commented that there was still significant room for improvement regarding DSCA processes and resources. Interview with Defense Security Cooperation Agency official, Washington, D.C., 25 February 2014.

- and, rebalance the disparity between civilian and military funding.

The first recommendation to integrate temporary authorities within the permanent title authorities is not novel. This recommendation was proposed by the 2011 Stimson Center report used throughout this thesis and is entitled *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*. The report's recommendation, however, was not adopted. According to the authors of the Stimson Center report, "The plethora of existing security assistance accounts should be restructured under State Department authorities, with the exception of those directly linked to forward-deployed U.S. forces in combat."²⁵ Performing this will accomplish two goals.

First, codifying the temporary authorities within the permanent title authorities will create lines of delineation between DOD and State Department authorities and eliminate redundant, parallel authorities. Codifying and eliminating will force the State Department to take the lead in security assistance, including the assistance that addresses under-developed partners. Additionally, they will permit the DOD to focus on implementing security assistance rather than allocating it. This recommendation also aligns with an observation made by Secretary of Defense Robert Gates in a speech he gave in 2008: "It is important that the military is and is clearly seen to be in a supporting role [regarding foreign policy] to civilian agencies...The Foreign Service is not the Foreign Legion, and the United States military should never be mistaken for the Peace Corps with guns."²⁶ Codification would also resolve another shortcoming related to the current security assistance system.

Second, codification of temporary authorities within a permanent system under State Department leadership will resolve the sustainment issue by making funding transitions more seamless for the programs initiated under Section 1206. Doing this is in reality a two-part process. The first part is ensuring those programs initiated by Section

²⁵ Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 34.

²⁶ Robert Gates, "Secretary of Defense Robert Gates Speech at U.S. Global Leadership Campaign," July 17, 2008, <http://www.africom.mil/Newsroom/Transcript/6258/transcript-us-defense-secretary-gates-warns-again>.

1206 that require sustainment are easily transitioned to permanent authorities such as FMF. Theoretically, transition would be more easily facilitated if there were a single owner for both types of programs. The second part requires making Section 1206 a five-year authority.²⁷ Making Section 1206 a five-year authority will permit 1206-initiated programs to prove their strategic effectiveness before transitioning to permanent authorities. Implementation of this first recommendation will not reduce Combatant Commanders' abilities to be responsive to urgent threats.

Combatant Commanders still require the need to address urgent operational threats. This is exactly the rationale behind establishing Section 1206, yet the present application of Section 1206 has gotten away from its original intent. Instead of using the temporary authorities for what they were not intended for, unfunded requests, Congress can continue to pass specific, temporary legislation when needed to address urgent operational threats. For example in the FY2013 NDAA, Congress established Section 1203 – the Authority to Build the Capacity of Certain Counterterrorism Forces in Yemen and East Africa. This authority was repealed in the FY2014 H.R. 1960. Similarly, Congress passed the ongoing Section 1206 Support of Foreign Forces Participating in Operations to Disarm the Lord's Resistance Army as part of the FY2012 NDAA. Furthermore, Section 1208 should remain a vital authority for SOF leaders as it is unique, specific in its uses, and permits tailored response measures.

Ensuring the DSCA can process the requests of security assistance is instrumental to the success of security assistance. This recommendation was discussed previously. Without an organization properly manned and resourced to facilitate responsive security assistance, organizations will continue to find workarounds, ensuring their requests are given priority. Resourcing DSCA adequately will reduce the need for bureaucratic workarounds. The last recommendation resolves a budgetary issue that is at the heart of the bureaucratic workarounds.

²⁷ Making Section 1206 a multi-year authority was a recommendation of a 2008 CSIS report used extensively throughout this thesis, see *Integrating 21st Century Development and Security Assistance*, (Center for Strategic and International Studies, 2008).

A third and final recommendation was one proposed by author David Kilcullen, former Secretary of Defense Gates, and the Stimson Center report, is correcting the disparity between civilian and military manning and resources. For example, Kilcullen asserts that significant imbalance exists between DOD and civilian agency manning. He continues through the observation that “There are 1.68 million uniformed personnel in the U.S. armed forces...the State Department employs about 6,000 foreign service officers, while the U.S. Agency for International Development (USAID) has about 2,000...the Department of Defense is about 210 times larger than USAID and State combined.”²⁸

Additionally, Kilcullen sees a similar imbalance in terms of respective budgets. He estimates the budgetary disparity between DOD and civilian agencies to be approximately 350:1.²⁹ Kilcullen determines, “The overwhelming size and capacity of the U.S. armed forces therefore has a distorting effect on U.S. national power and on America’s ability to execute international security programs that balance military with nonmilitary elements of national power.”³⁰

Former Secretary of Defense Gates also acknowledged this disparity. He observed, “Civilian institutions of diplomacy and development have been chronically undermanned and underfunded for far too long relative to what we spend on the military...relative to the responsibilities and challenges [of] our nation...I know it’s [the dollar amount] a good deal more than one percent of the federal budget that it is right now [2008].”³¹ Despite these observations and recognition of the problem, and recommendations by a number of think tanks, the budget disparity continues to grow.

According to the Stimson Center report rebalancing of civilian versus military funding will not occur in the near future. The report’s authors state, “Although the State Department has the statutory lead on security assistance, a majority of the funds for U.S. security assistance are provided out of the DOD budget. Over the last decade, the State-

²⁸ David Kilcullen, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One* (New York: Oxford University Press, 2011), 26.

²⁹ Kilcullen, *The Accidental Guerrilla*, 26.

³⁰ Kilcullen, *The Accidental Guerrilla*, 26.

³¹ Gates, “Secretary of Defense Robert Gates Speech at U.S. Global Leadership Campaign.”

funded share of security assistance fell to roughly 42 percent of total funding in FY2010, while the DOD-funded share rose to 58 percent.”³² This disbursement could change as O&M funding become more limited within a resource-constrained era.

There may be subsequent actions affecting security assistance that are related to current budgetary cuts that may force significant changes. As Section 1206 and, to a large extent, GSCF’s resourcing comes from constrained DOD O&M funds, this may result in a decrease to security assistance’s effectiveness. A decrease in security assistance effectiveness due to reduced DOD funding may reduce the DOD’s role in security assistance. This will likely force policymakers to have an honest discussion regarding where and when they will be willing to accept risk regionally and globally. Likewise, it could result in policymakers developing needed strategic guidance, as is occurring with the drafting of the overdue National Security Assistance Strategy. With the United States recalibrating its budgets and the possible development of security assistance guidance, now is the time to reform security assistance.

Substantial budgetary changes rebalancing disparities between the DOD and the State Department rather than finding workarounds seems radical, but it is possible and necessary. Theoretical analysis associated with policy change provides insight into how a radical change may occur.

John Kingdon’s *Agendas, Alternatives, and Public Policies*, examines how issues or subjects emerge from within the government, how they gain importance, and how they eventually become policy. The standard narrative describing this process suggests it is done incrementally, meaning gradual changes normalize perceptions that innovation is possible and acceptable.³³ Kingdon’s analysis recognizes this but also uncovers change does not always happen incrementally. He asserts, “Instead of incremental agenda change, a subject rather suddenly ‘hits,’ ‘catches on,’ or ‘takes off.’”³⁴

³² Adams and Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, 23.

³³ John W. Kingdon, *Agendas, Alternatives, and Public Policies*, 2nd ed, Longman Classics in Political Science (New York: Longman, 2003), 79–83.

³⁴ Kingdon, *Agendas, Alternatives, and Public Policies*, 80.

Kingdon's analysis is applicable to security assistance, specifically his distinction between alternatives and agendas and the methods used to develop both. An agenda is a list of problems, receiving attention from policymakers and individuals associated with policymakers.³⁵ Alternatives are possible solutions to the problems comprising the agenda.³⁶ What makes Kingdon's study useful is that it demonstrates that, "Incrementalism does describe the slow process of generating alternatives, and often does describe small legislative and bureaucratic changes stretching over many years, but does not describe agenda change well."³⁷

Agenda change is often awaiting a window of opportunity. According to Kingdon, one example of a window of opportunity may be a repeal or expiration of a piece of legislation.³⁸ A changing of the guard within Congress or the Executive Branch that aligns with the expiration of certain NDAA authorities may be the window of opportunity for radical change. Such radical change would rebalance the disparity between civilian organizations and the military.

For the subject of security assistance, the agenda or the problem are violent extremist organizations, networked together (VENs), operating within the territories or between those of under-developed partners. VENs are a problem for which traditional means to address threats are not effectively suited. Additionally, the alternatives are incremental changes made over the past decade to security assistance authorities through NDAAs. Although the alternatives have been made incrementally, the problem still exists and requires what may seem as a radical change, the rebalancing of civilian and military resources. If Kingdon's model is correct, there is a good chance that after looming in the background for decades, this change will "take off."

Current policymakers do have a good example to model significant changes that would be required to increase the strategic effectiveness of security assistance. The Goldwater-Nichols Defense Reorganization Act, now considered a watershed piece of legislation in military affairs, took four years and 241 days to reorganize the defense

³⁵ Kingdon, *Agendas, Alternatives, and Public Policies*, 3.

³⁶ Kingdon, *Agendas, Alternatives, and Public Policies*, 4.

³⁷ Kingdon, *Agendas, Alternatives, and Public Policies*, 206.

³⁸ Kingdon, *Agendas, Alternatives, and Public Policies*, 203.

organization into a more effective force.³⁹ Additionally, this legislation occurred during a relatively peaceful time. Goldwater-Nichols Defense Reorganization Act created a new generation of military members who instinctively think as joint warriors. This model should be applied to move beyond the rhetoric of “interagency cooperation” and towards actual interagency effectiveness. Security assistance is an excellent starting point for this change to occur.

Conclusion

This study was conducted for two purposes: to clarify authorities for SOF operators and security assistance professionals in the field and to shed light on why security assistance authorities are problematic. Strategic guidance framed the strategic importance of security assistance. Additionally, such guidance was reviewed to describe why SOF are and will continue to be tasked with implementing this policy.

A review and comparison of traditional title programs was necessary to understand the evolution and applicability of these programs as they relate to the current and the anticipated strategic environment. Similarly, a review and comparison of the temporary authorities was also required. Comparisons between permanent and temporary authorities were conducted to provide an understanding of positive and negative implications that are a result of establishing temporary solutions. The TSTCP was used to illuminate several issues associated with how in theory a whole of government approach should work, but in reality, there are points of friction that slow implementation and strategic effectiveness.

The first part of this final chapter provided several recommendations based on the conclusions of the analysis conducted in the previous chapters. Two of the three recommendations are to integrate the temporary authorities under the permanent title programs and resource the DSCA so it has the capacity to handle and develop new, more responsive methods to process the reformed security assistance authorities. A final and admittedly lofty recommendation is to rebalance military and nonmilitary resources and

³⁹ Locher, *Victory on the Potomac*, xi.

manpower in order to apply a whole of government approach to underlying grievances that empower VENs in under-developed countries.

Restructuring authorities and rebalancing civilian and military resources are ambitious recommendations well beyond a SOF operator's ability to influence or change. Despite this fact, there are two takeaways for operators. SOF can and should do something rather than accepting the state of authorities "so just deal with it." The first takeaway is awareness of the higher-level issues and relationships that have shaped the authorities into their current confusing constellation. Greater awareness of *why* the authorities have been, and likely will remain temporary, results in a more effective practitioner particularly as they advance in rank and ability to influence bureaucratic processes.

The second takeaway lies in recognizing that concerns such as the difficulty of assessing absorbability and sustainment allows operators to affect what is reasonably within their span of control. Operators, for example, can improve assistance at their level by providing honest feedback of programs and relationships through their assessments, usually in the form of After Action Reports. A critical element of these reports is assessing the probability of achieving both short- and long-term objectives. When an operator in the field expresses that objectives are not within reason given the means applied, the best leaders will listen to them. Questioning assistance application and its continuation when it is applied in the hopes of "doing something" while providing an alternative is powerful. In sum, an operator's feeling of "what do I do with this study" is understandable, yet potentially useful advice is that you incorporate its insights within bottom-up solutions through feedback mechanisms to improve security assistance effectiveness. Congressional opinion of SOF remains high and is likely to stay that way for the foreseeable future. A groundswell of SOF reports from the field that stress the problems with temporary security assistance authorities may just provide the fodder for legislative change.

Theory was applied to provided insight into possible reasons why organizations focus on internal processes without realizing the external consequences, which then affect their interactions with other competing organizations. The hope is that this study

provides professionals, who are consumed with daily routines on staffs and wicked problems in the field, an understanding of the strategic power balancing that unfortunately trickles down into the operational and tactical levels. It should be noted that although power balancing at the strategic level causes friction at the lower levels, it is a necessary part of our democratic system and ensures the prevention of a significant power imbalance affecting national security. In John Kingdon's words, "The founders deliberately designed a constitutional system to be fragmented, incapable of being dominated by any one actor."⁴⁰

As a final note, if anyone is interested in furthering examination of this complicated subject, there are three interesting projects worth considering. One would be the examination of the proxy-donor relationship. Does security assistance incentivize partner nations to exaggerate internal threats and give the appearance of combating threats in order to maintain sources of revenue? A second subject worthy of examination is the moral hazard connected to security assistance. By conducting security assistance in under-developed countries, is the United States accepting more risk by creating more enemies? A third subject significant to the furthering of the discussion would be to examine the moral dilemmas related to security assistance in under-developed countries. What types of moral dilemmas are security assistance advisors facing in under-developed countries? Answering these three questions would be of immense value for decision makers, policymakers, and strategists in the future.

⁴⁰ Kingdon, *Agendas, Alternatives, and Public Policies*, 76.

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